Supreme Court, U.S.
FILED

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No. ——

In The

Supreme Court of the United States

THE STATE OF LOUISIANA, DEPARTMENT OF TRANSPORTATION AND DEVELOPMENT,

Petitioner,

v.

NANCY LOCKETT AND RONNY LOCKETT, HUSBAND AND WIFE,

Respondents.

On Petition For A Writ Of Certiorari To The 19th Judicial District Court For The Parish Of East Baton Rouge, State Of Louisiana

PETITION FOR WRIT OF CERTIORARI

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May 23, 2001

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QUESTION PRESENTED

May the State District Court accept into evidence at a jury trial, documents, correspondence, studies and other related writings compiled by the State of Louisiana Department of Transportation and Development and shared with the City of Baker, Louisiana for the purpose of discussing, enhancing and promoting highway safety to a state highway as it traverses through the Parish of East Baton Rouge and the City of Baker, Louisiana?

LIST OF PARTIES

Petitioner: The State of Louisiana through the Department of Transportation and Development.

Parent Companies and Subsidiaries: Not applicable.

Respondents: Nancy Lockett and Ronny Lockett, husband and wife and parents of Katy M. Lockett who died as a result of an inter-sectional collision.

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PETITION FOR WRIT OF CERTIORARI

Petitioner, State of Louisiana through the Department of Transportation and Development, prays that a writ of certiorari issue to review the order/judgment of the 19th Judicial District Court, State of Louisiana, Division D, docket no. 462,218 rendered on February 5, 2001.

OPINIONS BELOW

The Nineteenth Judicial District Court (Trial Court) rendered an order/judgment on February 5, 2001. (App. 1-11). Although counsel for petitioner submitted a written judgment, one was not signed by the Trial Court. (App. 12-14). The order is contained within the transcript of the motion to compel heard by the Trial Court on February 5, 2001. The Louisiana First Circuit Court of Appeal denied supervisory writs. (App. 76 and 77). The Louisiana Supreme Court denied supervisory writs. (App. 80).

The Louisiana Supreme Court denied a motion to stay the Trial Court order/judgment pending a petition to this Honorable Court. (App. 78 and 79). This Honorable Court denied an application for stay of the Trial Court order/judgment.

JURISDICTION

The Louisiana Supreme Court denied certiorari on March 23, 2001. The jurisdiction of this Honorable Court

is invoked under 28 U.S.C. §§ 1257(a) and 1651. The petition is timely under 28 U.S.C. § 2101(c).

FEDERAL STATUTE INVOLVED

This petition involves only Louisiana's interpretation and application of 23 U.S.C. § 409.

STATEMENT OF THE CASE

Respondents are the parents of Katy M. Lockett who was tragically killed in an automobile accident at the intersection of Louisiana Highway 19 and Groom Road. The intersection is within the city limits of Baker, Louisiana. Baker is located within East Baton Rouge Parish. Although the intersection is within Baker's city limits, Groom Road is under the care, custody and control of the City/Parish of East Baton Rouge. Highway 19 is a four lane Louisiana state highway that traverses through East Baton Rouge Parish generally in a north-south direction.

The intersection was and is controlled by an electric traffic signal. The traffic signal provides for a protected left turn on the "green arrow" with a yield on the "green ball". The traffic signal was properly functioning on the day of the accident and the intersection was properly signed and striped.

Katy M. Lockett was a passenger in a car being driven by her high school classmate, Miranda Britt. Ms. Britt was headed south on Highway 19 in the inside lane of travel. As Ms. Britt approached the intersection with

Groom Road, she brought her car to a very slow pace because she was faced with a green ball but not a green arrow. Opposite her in the same position but headed north was a vehicle waiting to make a left turn west onto Groom Road. Ms. Britt decided to make her left turn east onto Groom Road and was violently struck by an oncoming vehicle headed north on Highway 19 which was travelling in the outside lane. The oncoming vehicle was traveling at or below the speed limit.

Respondents subpoenaed the records of the mayor of Baker, Louisiana seeking all traffic studies, reports, correspondence, and memorandum concerning the intersection. (App. 20-22). The State of Louisiana through the Department of Transportation and Development ("DOTD") objected to the subpoena relying upon 23 U.S.C. § 409. (App. 15-19). The Trial Court reviewed all of the records *in camera* and granted a protective order prohibiting production of the records. (App. 28-30). Respondents then issued another subpoena to the mayor of Baker seeking "all records" not covered by 23 U.S.C. § 409. (App. 31-33). DOTD objected again stating that there were no records other than the ones already protected by the Trial Court. (App. 34-40). Also, Respondents propounded requests for admissions of fact (request #4) asking DOTD to admit or deny that it had received complaints about the intersection due to right angle collisions. DOTD objected relying upon 23 U.S.C. § 409. (App. 65). A hearing was held and the Trial Court reversed itself ordering all of the records previously protected to be produced to Respondents, stating that the records would be admissible at trial and ordering DOTD to admit or deny request for admissions number 4. (App. 7-9).

DOTD applied for supervisory writs to the Louisiana First Circuit Court of Appeal seeking a stay of the Trial Court's order. That application was denied. DOTD then applied for supervisory writs to the Louisiana Supreme Court seeking a stay of the Trial Court's order. That application was also denied. Finally, DOTD moved the Louisiana Supreme Court and this Honorable Court to stay enforcement of the Trial Court's order pending a petition for certiorari to this Honorable Court. DOTD's requests for relief were denied by both the Louisiana Supreme Court and this Honorable Court.

A trial on the merits is scheduled for November 27-30, 2001.

REQUEST FOR STAY OF THE STATE TRIAL

A trial on the merits is scheduled for November 27-30, 2001. Although an application for stay pending a petition for writ of certiorari was denied by this Honorable Court, DOTD requests a stay of the trial should the petition be granted. 23 U.S.C. § 409 has two dissimilar prongs, i.e., non-discoverability of protected documents and inadmissibility of protected documents. Although this Honorable Court denied the stay during the discovery phase of this litigation, there remains time to enforce the second prong of 23 U.S.C. § 409 by staying the jury trial and prohibiting Respondents from introducing the protected documents into evidence. If the petition is granted but this Honorable Court cannot hear the matter until after the jury trial, then enforcement of the second

prong would be lost, the jury would have reviewed protected documents and a verdict based upon inadmissible evidence could be returned. State appellate review could find that such a verdict is reversible because of the inadmissible documents or remand the matter for another jury trial. Additional and unnecessary costs would be incurred and judicial economy would not be served. Therefore, DOTD requests a stay of the jury trial pending a decision by this Honorable Court.

REASONS FOR GRANTING THE WRIT

Highway safety will be enhanced when governmental agencies cooperate in their efforts to improve highways; however, the free flow of safety information from DOTD to other governmental agencies has been stopped dead in its tracks because of the Louisiana judiciary's recent application and interpretation of 23 U.S.C. § 409. There are no gray areas in this writ application. All of the documents ordered to be produced by the Trial Court discuss safety issues. (App. 82 and 83 concerning accident rates; App. 84 and 85 concerning design standards; App. 86 and 87 referencing La. 19 improvements and a safety study; App. 89-94 concerning speed limit study; App. 95 referencing a fifth lane study; App. 96-99 referencing fifth lane; App. 101-102 referencing speed limit survey; App. 103-109 referencing speed limit and bi-directional left turn lane study; App. 110 and 111 referencing fifth lane; App. 112-113 referencing fifth lane; App. 114-119 referencing speed limit study; App. 120-123 referencing accident history; App. 123-131 referencing fifth lane; App. 134-147 referencing fifth lane study; App.

148 and 149 referencing speed limit study; App. 149-162 referencing left turn lane study; App. 163 referencing speed limit; App. 165-167 complaint from third person; App. 168 referencing speed limit; App. 169-173 referencing traffic signal; App. 174 and 175 referencing fifth lane; App. 176 referencing speed limit; App. 177 and 178 referencing speed limit; App. 179 referencing accidents; App. 180 referencing traffic signal study; App. 181 referencing a third person complaint; and App. 183 referencing safety project). The protected documents are to or from governmental officials who were performing their governmental duties with respect to highway safety. The documents are concise and have one goal in mind; to evaluate and examine safety issues concerning Highway 19 and Groom Road.

Plaintiffs seek to establish that a fifth turning lane should have been installed at the intersection and that the alleged cause of the accident was "sight obstruction" due to the presence of a car/truck in the inside opposite lane. According to plaintiffs' theory, a fifth turning lane would have eliminated the sight obstruction and prevented the accident.

The Trial Court ignored the national policy of 23 U.S.C. § 409. Details of safety studies have now seen the light of day; Congress' mandate to enhance safety of our highways has been circumvented solely because of state interests in allowing private parties to litigate their claims. DOTD does not make light of Respondents' loss; however, the law concerning discoverability and admissibility of the documents at issue is clear.

It will be very difficult for DOTD to effectively defend itself in the Trial Court if the jury will see and hear evidence of attempts by DOTD to improve the safety of Highway 19. The merits of the case will be overshadowed by discussions of highway officials concerning the best ways to improve Highway 19. Candid communications may be equated with "admissions of fault". The eventual inference to be drawn by the jury may be a *fait accompli.*

The poor judgment exercised by Miranda Britt when she made the left turn may be minimized and trivialized by the presence of safety studies, which give constructive criticism to the condition of Highway 19. The only interest to be served will be that of individual litigants by allowing protected information to see the light of day. If the words of 23 U.S.C. § 409 mean what they say, then the national interest of reducing traffic accidents and fatalities should overcome the interests of the litigants in a single case.[1]

Even the Federal Rules of Evidence recognize that some relevant facts may not be admissible because they are too prejudicial. Fed. Rules of Evid. rule 403. Although Louisiana has a similar provision, La. Code Evid art. 403, recent jurisprudence applying 23 U.S.C. § 409 has taken

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[1] DOTD mourns the loss of Katy M. Lockett, a vibrant and outstanding young woman. Her loss is felt by the entire State of Louisiana. DOTD does not assert its rights out of disregard for her parents' grief and although the rhetoric does tend to be impersonal, there is no other way to present the conflicting policies at issue. It is important that the jury be allowed to focus its attention on the merits of the case and not on documents that really have nothing to do with the facts.

the teeth out of those limitations. Simply stated, the writ should be granted for the following reasons:

(1) Louisiana jurisprudence has gone far afield of other state and federal jurisprudence on the same issues.

(2) The national interest of enhancing highway safety outweighs an individual's right to litigate a personal injury claim with the help of protected documents.

(3) It should not matter into whose hands protected documents rest; the policy considerations are the same.

(4) The chilling effect of allowing the protected documents to be introduced into evidence will surely inhibit the free flow of highway safety information among governmental agencies.

(5) Allowing the admission of fact number 4 to be introduced into evidence will also circumvent the national policy of enhancing highway safety.

The Trial Court did not have discretion when applying 23 U.S.C. § 409.

Although trial courts are generally given wide discretion to decide evidentiary matters, Congress removed judicial discretion concerning highway safety by prohibiting discovery of documents compiled and/or collected to enhance safety of highways. 23 U.S.C. § 409; *Harrison v. Burlington Northern Railroad Company*, 965 F.2d 155 (7th Cir. 1992). 23 U.S.C. § 409 preempts state interests under

the supremacy clause. *Wiedman v. Dixie Electric Membership Corp.*, 627 So.2d 170 (La. 1993), rehearing denied, cert. denied, 511 U.S. 1127, 114 S.Ct. 2134 (1994).

Possession of the documents by the mayor of Baker does not result in any sort of waiver of the 23 U.S.C. § 409 protection by DOTD because it is necessary for governmental agencies to share information to promote highway safety. DOTD asserts that mere possession of the protected documents by others did not result in a waiver of the protection. Once a document has been compiled and/or collected for safety enhancement of a highway or roadway, it will remain protected from discovery and will be inadmissible at trial even though it may be shared by other governmental agencies. *Taylor v. St. Louis Southwestern Railway Company*, 746 F. Supp. 50 (D.Kan. 1990); *Kitts v. Norfolk and W. Railway*, 152 F.R.D. 78 (S.D. W. Va. 1993); *Robertson v. Union Pacific Railroad Company*, 954 F.2d 1433 (8th Cir. 1992); *Lusby v. Union Pacific Railroad Company*, 4 F.3d 639 (8th Cir. 1993). The 409 protection has been extended to an exchange of information between governmental agencies and others. *Harrison v. Burlington Northern R. Co.*, 965 F.2d 155 (7th Cir. 1992); *Sawyer v. Illinois Central Gulf Railroad Company et al.*, 606 So.2d 1069 (Miss. 1992).

Louisiana's lone voice crying in the wilderness

DOTD believes that Louisiana's Second Circuit Court of Appeal has correctly applied 23 U.S.C. § 409 when confronted with similar facts. In *Dowell v. State*, 33,094 *cw* 33,095 (La. App. 2 Cir. 2/1/00), 750 So.2d 498, writ denied, 760 So.2d 1161, 1162, cert. denied, 121 S.Ct. 183,

148 L.Ed.2d 126, 69 U.S.L.W. 3229 (2000), the Court examined the breadth of the statute and concluded that sources of information are not limited to only DOTD.

> "As noted above, section 409 precludes from discovery and admission into evidence any report, survey, schedule, list or data collected or compiled for developing any highway safety construction improvement which may be implemented or supported with federal funds. Correspondence between the DOTD and the City as well as letters received by these agencies are such data and therefore are neither discoverable nor admissible.
>
> Likewise, testimony from government employees regarding such correspondence is barred by section 409; . . . "

750 So.2d at 500, 501. A glimmer of the same reasoning may be found in *Reichert v. State, Department of Transportation and Development*, 96-1419 (La. 05/20/97), 694 So.2d 193, 197; *Fry v. Southern Pacific Transportation Co.*, 30,540 (La. App. 2nd Cir. 06/24/98), 715 So.2d 632; and *Miller v. Bailey*, 621 So.2d 1174 (La. App. 3d Cir. 1993), writ denied, 629 So.2d 358. Surely, if one Louisiana court is willing to protect correspondence from third persons, then the same reasoning should be consistently applied by Louisiana's courts to find that documents concerning highway safety and created by DOTD or on DOTD's behalf are protected from discovery and admissiblity if they are shared with other governmental agencies fulfilling safety objectives.

The application of 23 U.S.C. § 409 has been inconsistent within the State of Louisiana. In *Irion v. State*, 98-2616 (La. App. 1st Cir. 2000), 760 So.2d 1220, the Court allowed

a police jury resolution concerning a complaint by a citizen requesting action on a certain highway to be introduced into evidence. The Trial Court interpreted *Irion* to mean that once DOTD's safety related documents are shared with other governmental agencies, the documents lose their cloak of protection and immediately become discoverable and admissible. Another Louisiana court allowed data compiled by DOTD to be discoverable and admissible but not reports prepared from the data. *Miquez v. Southern Pacific Transportation Company, et al.*, 94-323 (La. App. 3 Cir. 10/5/94), 645 So.2d 1184.

The Trial Court's ruling is contrary to rulings of other state courts and federal courts. See *Rodenbeck v. Norfolk & Western Railway Co.*, 982 F. Supp. 620 (N.D. Ind. 1997); *Mackie v. Grand Truck Western Railroad Co.*, 215 Mich. App. 20; 544 N.W.2d 709 (1996).

The continued misapplication of a federal statute by Louisiana's courts will undermine the purpose of the federal statute.

Louisiana jurisprudence is adrift and should be righted. DOTD has the obligation of maintaining its system of highways and roads but to do so, it needs federal assistance. As do many of its sister states, Louisiana heavily relies upon federal funding to improve its highways and roads. With federal funding comes federal rules and regulations. If Louisiana is to comply with federal mandates, it must be able to freely exchange safety information with its agencies. A legitimate question of federal law is at issue in this petition. There is no application of state law in this petition. Application of federal law should be consistent throughout the country. Respondents cannot seriously argue that the interests of the

litigants in one case outweigh federal policy. Although the barriers set up by section 409 are harsh, the goals and objectives of the law outweigh Respondents' interest in obtaining the protected documents. *Coniker v. State of New York*, 695 N.Y.S.2d 492, 495 (Ct. Cl. N.Y. 1999). There is only one issue being examined by this petition and that issue rests squarely on federal law.

CONCLUSION

DOTD seeks a reversal of the Trial Court's order/judgment. Federal law protecting the documents at issue from discovery and admission into evidence should prevail in this instance. The documents ordered by the Trial Court should not be allowed to be introduced into evidence. Also, DOTD's response to request for admission number 4 should not be allowed to be introduced into evidence at trial. Certiorari would insure that the national policy of enhancing highway safety outweighs the rights of these individual litigants. DOTD urges the Court to grant certiorari and stay the state trial.

Respectfully submitted,

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May 23 , 2001

NINETEENTH JUDICIAL DISTRICT COURT
PARISH OF EAST BATON ROUGE
STATE OF LOUISIANA
DIVISION D

NANCY LOCKETT, ET AL

V. **SUIT NO. 462,218**

STATE OF LOUISIANA, DOTD

MONDAY, FEBRUARY 5, 2001
MOTION TO COMPEL
THE HONORABLE JANICE G. CLARK,
JUDGE PRESIDING

APPEARANCES:	**FOR:**
LEONARD CARDENAS, III	**PLAINTIFFS**
RONNIE BERTHELOT	**DEFENDANT**

REPORTED BY: KIMBERLY W. FORD, CCR

[2] **MONDAY, FEBRUARY 5, 2001**

THE COURT: GOOD MORNING, COUNSEL.

MR. CARDENAS: GOOD MORNING, YOUR HONOR.

THE COURT: MOVER PROCEED.

MR. CARDENAS: LENNY CARDENAS, ON BEHALF OF THE PLAINTIFFS.

MR. BERTHELOT: YOUR HONOR, RONNIE BERTHELOT, ON BEHALF OF THE STATE OF LOUISIANA THROUGH THE DEPARTMENT OF TRANSPORTATION AND DEVELOPMENT.

THE COURT: YES, SIR.

MR. CARDENAS: LEAPING TO THE POINT, YOUR HONOR. THIS INVOLVES THE WRONGFUL DEATH OF THE LOCKETT'S DAUGHTER. IT HAPPENED IN A VEHICLE AT THE INTERSECTION OF GROOM ROAD AND HIGHWAY 19 IN BAKER. WE'VE ALLEGED A DEFECTIVE INTERSECTION. WE HAVE TO PROVE THE STATE'S KNOWLEDGE THAT IT WAS A DANGEROUS INTERSECTION, OR THAT THEY SHOULD HAVE KNOWN IT WAS A DANGEROUS INTERSECTION CONSTRUCTIVE KNOWLEDGE. I'VE ASKED THEM TO ADMIT OR DENY THAT. I HAVEN'T ASKED THEM TO PRODUCE ANY OF THEIR STUDIES OR DATA, OR STUFF LIKE THAT. I'VE ASKED THEM TO ADMIT OR DENY THAT KIND OF STUFF. IF THEY DENY IT, THEN I'LL TRY TO ADDRESS IT. IF THEY ADMIT IT, I DON'T HAVE TO GET INTO A LOT OF THESE DISCOVERY DISPUTES THAT THE COURT HAS ALREADY TAKEN UNDER ADVISEMENT. SPECIFICALLY REQUEST NUMBER FOUR, YOUR HONOR, ASKS THE DOTD TO ADMIT THAT THEY RECEIVED COMPLAINTS FROM A THIRD PERSON. SO IF THEY RECEIVED A COMPLAINT ABOUT THIS INTERSECTION, HOW DANGEROUS IT WAS, OR THE ACCIDENTS TAKEN PLACE, ANYTHING, THAT THIS WAS A [3] DANGEROUS INTERSECTION, I'M ENTITLED TO KNOW THAT. AND THAT WOULD PUT THEM ON NOTICE. THAT WOULD HELP ME ESTABLISH AN ESSENTIAL ELEMENT OF MY CASE. THEY OBJECT, AGAIN, ASSERTING SECTION 409 PRIVILEGED INFORMATION, EVEN THOUGH I'M NOT ASKING FOR ANY SPECIFIC DATA, RECORDS, STUDIES, ETC. SO I URGE THE COURT TO GRANT MY MOTION

ORDERING THE DOTD TO EITHER ADMIT IT OR DENY IT, BECAUSE ALL THEY'VE SAID IS WE OBJECT TO THE REQUEST.

THE COURT: ALL RIGHT, MR. BERTHELOT.

MR. BERTHELOT: YOUR HONOR, WE DIDN'T JUST SAY WE OBJECT TO THE REQUEST. WE GAVE SPECIFIC REASONS. MR. CARDENAS HAS ASKED HAVE WE RECEIVED COMPLAINTS FROM THIRD PERSONS OF A NEED FOR A TURNING LANE, OR FOR OTHER CHANGES TO BE MADE AT THE INTERSECTIONS OF LOUISIANA HIGHWAY 19 AND GROOM ROAD BECAUSE OF THE NUMBER OF 90 DEGREE COLLISIONS OCCURRING BETWEEN VEHICLES AT THAT INTERSECTION. HE IS ASKING FOR THINGS THAT ARE SPECIFICALLY COVERED BY SECTION 409. HE IS ASKING FOR COMPLAINTS THAT MY CLIENT RECEIVED. THE COURT IN **DOWELL V. STATE** SAID, AS NOTED ABOVE, SECTION 409 PRECLUDES FROM DISCOVERY AND ADMISSION INTO EVIDENCE ANY REPORT, SURVEY, SCHEDULE, LIST OR DATA COLLECTED OR COMPILED FOR DEVELOPING ANY HIGHWAY SAFETY CONSTRUCTION IMPROVEMENT WHICH MAY BE IMPLEMENTED OR SUPPORTED WITH FEDERAL FUNDS. CORRESPONDENCE BETWEEN THE DOTD AND THE CITY AS WELL AS LETTERS RECEIVED BY THESE AGENCIES ARE SUCH DATA, AND THEREFORE ARE NEITHER DISCOVERABLE NOR ADMISSIBLE. HE WANTS TO KNOW SPECIFIC THINGS ABOUT COMPLAINTS THAT I DON'T EVEN [4] KNOW IF IS EXISTS OR NOT. WE ARE OBJECTING TO IT BECAUSE HE WANTS TO KNOW WHAT'S IN THE COMPLAINT. HE WANTS TO

KNOW WHAT PEOPLE ARE TELLING DOTD ABOUT THIS INTERSECTION. 409 SAYS, YOU CAN'T HAVE THAT INFORMATION, BECAUSE IT'S DATA USED OR COMPILED BY THE DEPARTMENT. IT'S DATA THAT WAS ACQUIRED FROM SOME OTHER SOURCE. JUST BECAUSE IT'S FROM SOME THIRD PERSON DOESN'T MEAN THAT DOTD CAN GIVE UP THE INFORMATION. ONCE DOTD GETS IT AND COMPILES IT, AND KEEPS IT, IT'S PROTECTED BY 409. AND THAT'S WHAT OUR POSITION IS. AND WE BELIEVE THAT BY ASKING US TO ADMIT TO THAT, IT IS CIRCUMVENTING 409, AND IT'S CIRCUMVENTING THE COURT'S ORDER THAT PROHIBITED ALL OF THAT TO BE PRODUCED IN THE FIRST PLACE.

THE COURT: I THINK THAT HE IS ENTITLED TO MAKE A SHOWING TO THE COURT AS TO WHETHER OR NOT THERE HAS BEEN ANY NOTICE, ACTUAL OR CONSTRUCTIVE. AND I THINK THAT'S A REASONABLE MECHANISM BY WHICH TO PURSUE THAT INFORMATION. I THINK IT'S DISCOVERABLE, AND MAY EVEN BE ADMISSIBLE. THE COURT WILL SIGN JUDGMENT ACCORDINGLY.

MR. CARDENAS: THANK YOU, YOUR HONOR. JUST SIMPLY AS A REMINDER, YOUR HONOR, WE HAVE BEEN BACK AND FORTH –

THE COURT: YOU DON'T HAVE TO REMIND ME. I'M GLAD TO SEE BOTH OF YOU, BUT I'VE BEEN READING EVERYTHING YOU SUBMIT.

MR. CARDENAS: WE'VE GOT THE DEPOSITION OF FORMER BAKER MAYOR SIMPSON, NOW, BATON ROUGE MAYOR SIMPSON. WE'VE SET IT FIVE

TIMES, THROUGH NO FAULT OF YOURS, JUST BECAUSE WE HAVEN'T RESOLVED [5] THESE ISSUES. HE'S GOT SOME INFORMATION ABOUT WHAT THEY'VE DONE INTERNALLY. AND I WANT TO JUST BRIEFLY ADDRESS THAT. THE DOTD ACKNOWLEDGES "USED" AS PART OF THEIR ARGUMENT. AND 409 SAYS COMPILED OR COLLECTED DATA STUDIES. NOW COMPILED AND COLLECTED HAVE TO BE USED RESTRICTIVELY, AS THE COURTS HAVE HELD, BECAUSE YOU ARE PROHIBITING US FROM DISCOVERY. NOT USED. JUST BECAUSE THEY USE IT, OR BECAUSE THEY GET IT, DOESN'T PROTECT IT. IF THEY COLLECT IT, AND ACTIVELY TAKE IT UP AND GO OUT AND DO STUDIES – BECAUSE THE PURPOSE OF THE STATUTE SAYS TWOFOLD, ONE TO ENHANCE SAFETY, AND TWO TO GET FEDERAL FUNDING. THEY HAVEN'T SHOWN THAT, BECAUSE MAYOR SIMPSON WRITES THEM A LETTER AND SAYS Y'ALL NEED TO DO SOMETHING ABOUT THIS INTERSECTION, THAT THAT WAS ANYTHING THEY ACTIVELY SOUGHT OUT OR USED OR COMPILED TO EITHER ENHANCE SAFETY, OR THAT THEY EVEN DID ANYTHING ABOUT IT, BECAUSE THEY DIDN'T. AND THIS HAPPENED YEARS AGO, WHEN THEY HAD BEEN PUT ON NOTICE OF THIS STUFF. SO THE STATUTE ITSELF HAS THAT PURPOSE TO ENHANCE SAFETY AND FOR FEDERAL FUNDING, NOT JUST BECAUSE THEY GET IT. NOW THE CITE THAT THEY GIVE ON A SECOND CIRCUIT CASE IS IN CONFLICT WITH THE SECOND CIRCUIT'S OTHER CASE IN **LONG V. STATE**, FOUND AT 743 SO.2D, I'VE GOT 743 AGAIN. I HOPE I WROTE THAT DOWN RIGHT. BUT

IT'S **LONG VS. STATE**, ANOTHER SECOND CIRCUIT CASE, EARLIER. WHERE THEY SAID THE CITY OF BONITA'S MAYOR, WHO WROTE A LETTER TO DOTD SAYING, DO SOMETHING ABOUT THIS DANGEROUS INTERSECTION, THAT WAS DISCOVERABLE AND ADMISSIBLE. AND SO I DON'T [6] KNOW WHAT THE SECOND CIRCUIT IS DOING WITH TWO PANELS DOING TWO DIFFERENT THINGS OVER THERE, BUT **IRION** AND THE OTHER CASES HAVE LIMITED NOW THIS QUICKSAND FOR 409, YOUR HONOR. AND I WILL HAPPILY RESCHEDULE MAYOR SIMPSON'S DEPOSITION AGAIN, BECAUSE I'M NOT IN AN IMMEDIATE RUSH. I WANT TO BE ABLE TO ASK HIM QUESTIONS ABOUT, DID YOU TELL DOTD THAT THERE IS A PROBLEM HERE? DID YOU RECEIVE COMPLAINTS FROM PERSONS? DID Y'ALL DO ANY STUDIES OR ANYTHING? AND JUST BECAUSE THAT STUFF GETS TO DOTD, JUDGE, THE COURT IS MAKING A CLEAR DISTINCTION. THEY MAY USE IT, AND WE HOPE THEY DO, AND THEY SHOULD. BUT JUST BECAUSE THEY EVENTUALLY CONSIDER IT, IS NOT SOMETHING THEY ACTIVELY COMPILED OR COLLECTED.

THE COURT: WELL, I'M GOING TO, AS I INDICATED TO YOU BOTH PREVIOUSLY, YOU KNOW I'VE RULED THE OTHER WAY UNDER THAT OLD CASE. AND I HAVE TO COME BACK AND RECONSIDER IT, AND I'M GOING TO RULE THAT IT'S DISCOVERABLE. AND YOU ALL CAN HAVE TEN DAYS TO GET TO THE FIRST CIRCUIT.

MR. CARDENAS: THANK YOU, YOUR HONOR.

MR. BERTHELOT: SO NOW, YOUR HONOR, YOU'RE REVERSING WHAT YOU PREVIOUSLY – NOW WHAT I'M ASKING THE COURT IS THAT THE MATERIAL THAT YOU ACTUALLY REVIEWED FROM MAYOR SIMPSON'S OFFICE, THAT –

THE COURT: NO, I'M TALKING ABOUT THIS NEW MATERIAL.

MR. BERTHELOT: OKAY. I'M CONFUSED. WHAT MR. CARDENAS IS HERE ABOUT TODAY IS A REQUEST FOR ADMISSION SPECIFICALLY DESIGNED FOR THAT. WHAT HE [7] IS ARGUING ABOUT THE SECOND TIME IS ABOUT ALL THAT MATERIAL THAT THE COURT ALREADY REVIEWED IN MAYOR SIMPSON'S FILE FOLDER. THAT'S WHAT HE ARGUED ABOUT THE SECOND TIME.

MR. CARDENAS: THAT'S RIGHT, YOUR HONOR. LET ME REFRESH THE COURT'S MEMORY. YOU –

MR. BERTHELOT: NO, PLEASE, PLEASE. WHAT IS YOUR RULING –

MR. CARDENAS: WAIT A MINUTE.

THE COURT: JUST A MINUTE, COUNSEL. THIS IS JUST A LAWSUIT, AND IT'S ONLY ABOUT MONEY. AND WE ARE GOING TO CONDUCT OURSELVES ACCORDINGLY. NOW THERE HAVE BEEN A LOT OF MEMORANDUMS AND BRIEFS FILED, AND A LOT OF ISSUES, AND IT'S ALL ABOUT DISCOVERY OF INFORMATION. AND ITS IMPORTANT, BUT FROM TIME TO TIME, THIS COURT MAKES ERRORS. AND WHEN I DO, I WANT THE FIRST CIRCUIT TO DO THE

RIGHT THING. NOW IF I'VE MADE A RULING THAT IS ERRONEOUS, IF I CAN REVERSE MYSELF – THEY CAN REVERSE ME WHEN I'M NOT ERRONEOUS, SO I KNOW THEY CAN REVERSE ME WHEN I AM. IN ANY EVENT, I WOULD MUCH RATHER A HIGHER, SMARTER, MORE INTELLIGENT COURT MAKE THE FINAL DECISION SINCE THERE IS GOING TO BE THREE OF THEM AT LEAST ON A PANEL. THERE MAY EVEN BE FIVE. THE FACT OF THE MATTER IS, IF THERE IS INFORMATION THAT'S GOING TO HELP THE TRIER OF FACT, WHO IS NOT THE FIRST CIRCUIT, INCIDENTALLY, THIS JURY OR EITHER THIS COURT, IF THAT'S INFORMATION THAT HELPS YOU GET TO AN ISSUE, THEN IT OUGHT NOT TO BE TAKEN FROM THE PUBLIC'S VIEW. AND THAT'S THE WAY THIS COURT IS RULING AT THIS JUNCTURE. AND ANY OTHER RULING I MADE TO THE [8] CONTRARY IS HEREBY ANNULLED, VACATED, AND SET ASIDE. NOW THAT'S ALL I HAVE TO SAY.

MR. BERTHELOT: YOUR HONOR, WHAT I WAS ASKING ABOUT WAS –

THE COURT: AND I'M GOING TO REVERSE MYSELF.

MR. BERTHELOT: YOUR HONOR, WHAT I WAS ASKING ABOUT WAS THAT THE FILE FOLDER THAT MAYOR SIMPSON HAS, THAT YOU REVIEWED, MAY WE HAVE THAT INCLUDED TO TAKE IT UP TO THE FIRST CIRCUIT?

THE COURT: TAKE IT UP TO THE FIRST CIRCUIT, YES, INDEED. I INSIST UPON IT.

MR. BERTHELOT: THANK YOU.

MR. CARDENAS: I JUST WANT TO BE CLEAR ON THAT, YOU HONOR. WHAT YOU INITIALLY DID WAS GRANTED THE MOTION FOR PROTECTIVE ORDER BY DOTD. I THEN REURGED THE MOTION –

THE COURT: THAT'S RIGHT.

MR. CARDENAS: AND YOU GRANTED IT IN THIS BLANKET ORDER SAYING GIVE IT ALL UP.

THE COURT: THAT'S RIGHT.

MR. CARDENAS: THAT'S THE ORDER THAT YOU'RE STANDING BY.

THE COURT: I WANT THE FIRST CIRCUIT TO REVIEW IT.

MR. BERTHELOT: WOULD YOU AGREE TO A STAY?

THE COURT: I WILL GIVE YOU A STAY, BUT I'M NOT WAITING MONTHS AND MONTHS, AND MONTHS FOR YOU TO CARRY ON.

MR. BERTHELOT: HOW MUCH OF A STAY?

THE COURT: I'LL GIVE YOU FIVE DAYS.

MR. BERTHELOT: YES, MA'AM. THANK YOU.

MR. CARDENAS: HERE'S MY PROBLEM WITH THAT, [9] JUDGE, THEY JUST –

THE COURT: WHEN IS THE DEPOSITION?

MR. CARDENAS: TOMORROW.

THE COURT: TOMORROW?

MR. CARDENAS: YES. AND THIS HAS BEEN GOING ON AND ON.

THE COURT: WELL, I'M NOT GOING TO GRANT A STAY THEN. I'M NOT GOING TO GRANT A STAY THEN.

MR. BERTHELOT: YOUR HONOR, THE DISCOVERY DEADLINE IS MARCH 1ST. I WILL ACCOMMODATE MR. CARDENAS TO RESCHEDULE THE MAYOR'S DEPOSITION EVEN PAST MARCH 1ST. I DON'T HAVE A PROBLEM WITH THAT. I MEAN, I WOULD AT LEAST LIKE TO HAVE FIVE DAYS TO GET THE MATERIAL TO THE FIRST CIRCUIT.

MR. CARDENAS: I DON'T HAVE A PROBLEM WITH THAT, JUDGE. I REALLY DON'T.

THE COURT: FIVE DAYS.

MR. CARDENAS: AS LONG AS THAT DOESN'T STOP US – I WILL DO THIS IF Y'ALL –

THE COURT: MR. CARDENAS AND MR. BERTHELOT, WE ARE NOT GOING TO CONTINUE THE TRIAL DATE. IF THE TWO OF YOU WANT TO AGREE TO EXTEND AS BETWEEN THE TWO OF YOU ANY DATE IN THE SCHEDULING ORDER, FILE A MOTION, BOTH SIGN IT, THE COURT WILL GRANT IT. I LIKE FOR COUNSEL TO AGREE. BUT IT'S TIME TO GET THIS ISSUE RESOLVED. AND I'VE RESOLVED IT. AND LET THE FIRST CIRCUIT DO WHATEVER THEY DEEM EXPEDIENT.

MR. BERTHELOT: YES, MA'AM. FOR THE RECORD, WE DON'T HAVE A TRIAL DATE, YET.

THE COURT: THERE IS A TRIAL DATE SET. I DON'T KNOW IF YOU'VE RECEIVED IT YET.

[10] **MR. BERTHELOT:** OKAY. THANK YOU, MA'AM.

MR. CARDENAS: THANK YOU, YOUR HONOR.

[11] CERTIFICATE

I, KIMBERLY W. FORD, CCR, OFFICIAL COURT REPORTER, NINETEENTH JUDICIAL DISTRICT COURT, PARISH OF EAST BATON ROUGE, STATE OF LOUISIANA, DO HEREBY CERTIFY THAT THE FOREGOING PAGES CONSTITUTE A TRUE AND ACCURATE TRANSCRIPT OF THE AFORESAID MATTER AS TAKEN BY ME ON THE STENOTYPE MACHINE, TO THE BEST OF MY KNOWLEDGE AND ABILITY.

WITNESS MY HAND THIS 5TH DAY OF FEBRUARY, 2001.

[SEAL] /s/ Kimberly W. Ford
KIMBERLY W. FORD
OFFICIAL COURT REPORTER
19TH JUDICIAL DISTRICT COURT
CCR #96020

NANCY LOCKETT AND
RONNY LOCKET, HUSBAND
AND WIFE

VERSUS

THE STATE OF LOUISIANA
DEPARTMENT OF
TRANSPORTATION AND
DEVELOPMENT

NUMBER 462,218 DIVISION D

19TH JUDICIAL DISTRICT COURT

EAST BATON ROUGE PARISH

STATE OF LOUISIANA

JUDGMENT

This matter came before the Court pursuant to the plaintiffs' motion to compel concerning request for admissions no.4 propounded by the plaintiffs on the defendant on December 4, 2000. Also, although not on the docket, the Court also reconsidered its previous ruling concerning the Mayor of Baker, Louisiana's file folder concerning Highway 19 and the intersection of Groom Road in Baker, Louisiana. After considering the entire record in this matter, the motions and memoranda of counsel, and argument of counsel, the Court rendered the following:

IT IS ORDERED, ADJUDGED AND DECREED that the plaintiffs' motion to compel concerning request for admission no.4 propounded on December 4, 2001 is granted and the State of Louisiana through the Department of Transportation and Development is ordered to

admit or deny request for admission no. 4. This order is stayed for five (5) days to run from February 5, 2001 at 12:15 p.m.

IT IS ORDERED, ADJUDGED AND DECREED that the Court's prior order prohibiting the production of the Mayor of Baker, Louisiana's file folder concerning Highway 19 and the intersection of Groom Road in Baker, Louisiana is vacated and set aside and the Mayor of Baker, Louisiana shall produce a copy of his/her entire file folder concerning the intersection of Highway 19 and Groom Road in Baker, Louisiana. This order is stayed for five (5) days to run from February 5, 2001 at 12:15 p.m.

IT IS ORDERED, ADJUDGED AND DECREED that the defendant is given seven (7) days from February 5, 2001 within which to apply for supervisory writs.

JUDGMENT READ AND RENDERED in open Court on February 5, 2001 at Baton Rouge, Louisiana.

JUDGMENT SIGNED in Chambers on February ___, 2001 at Baton Rouge, Louisiana.

_____

JUDGE, 19th Judicial District Court

RICHARD P. IEYOUB
Attorney General
/s/ Ronnie J. Berthelot
E. Wade Shows, #7637
Ronnie J. Berthelot, #1012
Special Assistant Attorneys General
Shows, Cali & Berthelot, L.L.P.
644 St. Ferdinand Street
Baton Rouge, LA 70802
(225) 346-1461

Certificate

I, Ronnie J. Berthelot, certify that I mailed a copy of the foregoing by U.S. Mail postage prepaid and faxed a copy to (225) 766-5464 on the 5th day of February, 2001 to the following attorney:

Leonard Cardenas III
John T. Joubert
6525 Perkins Road
Baton Rouge, LA 70808

/s/ Ronnie J. Berthelot
Ronnie J. Berthelot

NANCY LOCKETT AND RONNY LOCKETT, HUSBAND AND WIFE	NUMBER 462,218 DIVISION D
VERSUS	19TH JUDICIAL DISTRICT COURT
THE STATE OF LOUISIANA DEPARTMENT OF TRANSPORTATION AND DEVELOPMENT	EAST BATON ROUGE PARISH
	STATE OF LOUISIANA

MOTION FOR PROTECTIVE ORDER AND/OR TO QUASH SUBPOENAES AND SUBPOENA DUCES TECUM

NOW INTO COURT, through undersigned counsel, comes the State of Louisiana through the Department of Transportation and Development (DOTD) and files its motion for the following reasons:

1.

Plaintiffs are suing the State of Louisiana through the DOTD.

2.

Plaintiffs requested a subpoena duces tecum be issued to the mayor of Baker, Louisiana for certain records, which DOTD asserts are privileged and/or not discoverable. A copy of the letter requesting the subpoena duces tecum is attached.

3.

Also, plaintiffs have subpoenaed Mayor Bobby Simpson and Chief of Police Sid Gautreau for the purpose of deposing them concerning highway safety issues affecting Louisiana Highway 19 and Groom Road as they relate to the documents, which are the object of the subpoena duces tecum.

4.

As discussed in the accompanying memorandum, DOTD states that it is entitled to have a protective order issued prohibiting the production of the requested records as required by 23 USCA section 409 and related Louisiana jurisprudence. Additionally, DOTD states that it is entitled to have a protective order issued prohibiting the Mayor of Baker and Sid Gautreau and any of their subordinates, agents, attorneys and/or employees from testifying to matters pertaining to contents of the requested records and any safety issues related to Louisiana Highway 19 and Groom Road as required by 23 USCA section 409 and related Louisiana jurisprudence.

5.

Alternatively, DOTD is at least entitled to an *in camera* inspection of the records by the Court to determine if the records are governed by 23 USCA section 409 and related Louisiana jurisprudence. Furthermore, in the alternative, DOTD is entitled to at least an *in camera* inspection of the questions that counsel for the plaintiffs will ask in the scheduled depositions to determine if the

questions are governed by 23 USCA section 409 and related Louisiana jurisprudence.

6.

The depositions are scheduled for January 18 and 25th, 2000. DOTD requests that this motion be set for hearing prior to those dates. If that is not possible, then DOTD requests that the Court stay the depositions until after a hearing may be heard concerning this motion.

THEREFORE, the States of Louisiana through the Department of Transportation and Development prays that the plaintiffs be ordred [sic] to appear and show cause why a protective order should not issue prohibiting the production of the records and/or documents requested by the plaintiffs as shown on the subpoena duces tecum and prohibiting the Mayor of Baker and Sid Gautreau and any of their subordinates, agents, attorneys and/or employees from testifying to matters pertaining to the contents of the requested records and/or documents and safety issues related to Louisiana Highway 19 and Groom Road as required by 23 USCA section 409 and related Louisiana jurisprudence.

ALTERNATIVELY, the State of Louisiana through the Department of Transportation and Development prays that the plaintiffs be ordered to show cause why a protective order should not issue requiring an *in camera* inspection of the records and/or documents by the Court and an *in camera* inspection of the questions that counsel for the plaintiffs will ask in the scheduled depositions to determine if the questions are governed by 23 USCA section 409 and related Louisiana jurisprudence.

FURTHERMORE, the State of Louisiana through the Department of Transportation and Development prays that a hearing of this motion be held prior to January 18, 2000. Alternatively, if a hearing cannot be held prior to January 18, 2000, DOTD prays that the depositions scheduled for January 18 and 25th be stayed until after a hearing may be heard concerning this motion.

FINALLY, DOTD prays for all other just and equitable relief as allowed by law.

RICHARD P. IEYOUB
Attorney General

By: /s/ Ronnie J. Berthelot
Special Assistant Attorneys General
E. Wade Shows (7637)
Ronnie J. Berthelot (1012)
Shows, Cali & Berthelot
644 St. Ferdinand Street
Baton Rouge, LA 70821
(225) 346-1461

ORDER

IT IS ORDERED that the plaintiffs show cause on the _____ day of _____, 2000 why a protective order should not issue prohibiting the production of the records and/or documents requested by the plaintiffs as shown on the subpoena duces tecum attached to the foregoing motion and why a protective order should not issue prohibiting the Mayor of Baker and Sid Gautreau and any of their subordinates, agents, attorneys and/or employees from testifying to matters pertaining to the contents of the requested records and/or documents and

safety issues relating to Louisiana Highway 19 and Groom Road as required by 23 USCA section 409 and related Louisiana jurisprudence.

ALTERNATIVELY, IT IS ORDERED that the the [sic] plaintiffs show cause on the _____ day of _____, 2000 why a protective order should not issue requiring an *in camera* inspection of the records sought by the plaintiffs by the Court and why a protective order should not issue requiring an *in camera* inspection of the questions that counsel for the plaintiffs will ask in the scheduled depositions to determine if the questions are governed by 23 USCA section 409 and related Louisiana jurisprudence.

FINALLY, IT IS ORDERED that the depositions of Mayor Bobby Simpson and Chief of Police Sid Gautreau scheduled for January 18 and 25th, 2000 in this matter are stayed until after a hearing is held on the foregoing motion.

Baton Rouge, Louisiana this _____ day of _____, 1999.

_____

JUDGE, 19th Judicial District Court

Please serve the plaintiffs
through their attorney of record, Leonard Cardenas III, John T. Joubert, 6709 Perkisn Rd. Baton Rouge, La. 70808

Certificate

I, Ronnie J. Berthelot certify that I mailed a copy of the foregoing by U.S. Mail postage prepaid on the 22d day of December, 1999 to the following attorneys:

Leonard Cardenas III
John T. Joubert
6709 Perkins Road
Baton Rouge, LA 70808

/s/ Ronnie J. Berthelot
Ronnie J. Berthelot

LEONARD CARDENAS III
A LAW CORPORATION
6709 PERKINS ROAD
BATON ROUGE, LOUISIANA 70808
Leonard Cardenas III*+ TEL. (225) 766-5464
John T. Joubert FAX. (225) 767-5947
Henri M. Saunders
*A Law Corporation
+Also Admitted in Texas

December 1, 1999

Hon. Doug Welborn
Clerk, 19th Judicial District Court
222 St. Louis Street
Baton Rouge, LA 70801

Re: Nancy Lockett and Ronny Lockett, Husband & Wife v. The State of Louisiana Department of Transportation & Development Suit Number 462,218, Division "D", 19th JDC
My File No.: 99-2321

Dear Sir:

Please find enclosed for filing the following pleading:

Notice of Deposition

Please file the original pleading into the suit record and return the remaining copy stamped with the date of filing in my self-addressed and stamped envelope which is enclosed for your convenience.

Please issue a deposition subpoena to Mayor Bobby Simpson, Baker City Hall, 3325 Groom Road, Baker, Louisiana 70714 for attendance at his deposition scheduled to be taken on January 25, 2000 at 9:00 a.m. at the Baker City Hall, 3325 Groom Road, Baker, Louisiana 70714.

Please also issue a subpoena duces tecum to Mayor Bobby Simpson, Baker City Hall, 3325 Groom Road, Baker, Louisiana 70714 to produce to Leonard Cardenas III, 6709 Perkins Road, Baton Rouge, Louisiana on or before December 17, 1999 the following documents:

> Any and all correspondence, memoranda, or written documents from or on behalf of the City of Baker to the State of Louisiana, including but not limited to the Department of Transportation & Development, requesting construction and/or additions of turning lanes on Highway 19 in Baker, including but not limited to at the intersections of Highway 19 and Groom Road in Baker, Louisiana, at any time prior to and including the date of this subject accident, July 18, 1998 to the present; any written document, memoranda, correspondence or letter from or on behalf of the State of Louisiana, including DOTD, to the City of Baker, including Mayor Bobby Simpson, directly or indirectly addressing the adding of any turning lanes to Louisiana Highway 19 in Baker, Louisiana,

including at the intersection of Louisiana Highway 19 and Groom Road in Baker, Louisiana, at any time prior to and including the date of the subject accident, July 18, 1998 to the present; any proposed construction changes to Highway 19 in Baker, Louisiana drafted by or on behalf of anyone including the State of Louisiana, Department of Transportation and Development, at any time prior to or subsequent to the date of the subject accident to the present; any studies, analysis, evaluation or gathering of statistics concerning the need for turning lanes on Highway 19 in the City of Baker, including at the intersection of Louisiana Highway 19 and Groom Road at any time prior to or subsequent to the subject accident to the present; any document, letter, memoranda or letter to or from any entity addressing the addition of turning lanes on Louisiana Highway 19 in the City of Baker at any time prior to or subsequent to the subject accident, to the present.

Enclosed please find my firm check in the amount of $51.00 which represents filing and service fees.

With kind regards, I am

Yours sincerely,

/s/ Leonard Cardenas III
Leonard Cardenas III
LC/efg
Enclosure

cc: Ronnie J. Berthelot
Mayor Bobby Simpson
Paul Thompson
Ronny and Nancy Lockett

NANCY LOCKETT AND RONNY LOCKETT, HUSBAND AND WIFE	NUMBER: 462,218 DIVISION "D" 19TH JUDICIAL DISTRICT COURT
VERSUS	PARISH OF EAST BATON ROUGE
THE STATE OF LOUISIANA, DEPARTMENT OF TRANSPORTATION AND DEVELOPMENT	STATE OF LOUISIANA

JUDGMENT

(Filed Feb. 23, 2000)

This matter came before the Court on February 7, 2000, pursuant to a Motion for Protective Order filed on behalf of defendant, the State of Louisiana through the Department of Transportation and Development;

Present in court: Leonard Cardenas, III, counsel for Nancy Lockett and Ronny Lockett, plaintiffs and respondents in rule; and

Carlos A. Romanach, counsel for the State of Louisiana through the Department of Transportation and Development, defendant and mover;

Upon review of the pleadings, the evidence, memoranda submitted by counsel, argument of counsel and applicable law,

IT IS HEREBY ORDERED, ADJUDGED AND DECREED that the parties submit in writing to the Court the Stipulation regarding the testimony of Dan Magri,

which will be evidence introduced at the hearing upon being filed with the court reporter and Deputy Clerk of court;

IT IS FURTHER ORDERED, ADJUDGED AND DECREED that the mayor of Baker is to produce to the Court for an in camera inspection, all documents in his possession, which have been subpoenaed by the plaintiffs.

JUDGMENT READ, RENDERED AND SIGNED this 25th day of Feb, 2000 at Baton Rouge, Louisiana.

/s/ Janice Clark
JUDGE, 19TH JUDICIAL
DISTRICT COURT

/s/ Carlos A. Romanach
SHOWS, CALI &
BERTHELOT, L.L.P.
Special Assistant Attorney
General
P.O. Drawer 4425
Baton Rouge, Louisiana
70821
(225) 346-1461

/s/ Leonard Cardenas, III
A LAW CORPORATION
6709 Perkins Road
Baton Rouge, Louisiana
70808
(225) 766-5464

NANCY LOCKETT AND RONNY LOCKETT, HUSBAND AND WIFE

VERSUS

THE STATE OF LOUISIANA, DEPARTMENT OF TRANSPORTATION AND DEVELOPMENT

NUMBER: 462,218 DIVISION "D"

19TH JUDICIAL DISTRICT COURT

PARISH OF EAST BATON ROUGE

STATE OF LOUISIANA

STIPULATION

(Filed Feb. 23, 2000)

The parties of this action, Nancy Lockett and Ronny Lockett, plaintiffs; and the State of Louisiana through the Department of Transportation and Development ("DOTD") agree that the following would have been the testimony of Dan Magri had he been called to testify at the hearing on the Motion for Protective Order filed on behalf of defendant, the State of Louisiana Department of Transportation and Development:

(1) Dan Magri is the traffic safety manager for DOTD;

(2) that his duties and responsibilities at the DOTD include the maintenance, review and coding of all accident data;

(3) that he is familiar with La. Hwy. 19 which traverses through Baker, Louisiana;

(4) that he is familiar with the federal statutes governing highway safety such as 23 U.S.C. § 152 and 409;

(5) that he is familiar with the federal mandate to maintain safety records and that the DOTD collects and maintains such data;

(6) that the DOTD receives federal and highway funds to implement safety programs and/or collect safety data;

(7) that there are DOTD employees in his department who are being paid by the federal government to collect and analyze safety data, including traffic flow;

(8) that he has reviewed the requests made by plaintiffs in the subpoenas and subpoena duces tecum served on the Mayor of Baker and the Baker Chief of Police in connection with the above captioned matter;

(9) that among the records requested by plaintiffs in said subpoenas are DOTD safety records;

(10) that the DOTD is eligible to receive federal funding;

(11) that the DOTD has received or is receiving federal funding with respect to the intersection of Louisiana Highway 19 and Groom Road;

(12) that the DOTD is eligible to receive federal funding for the intersection of Louisiana Highway 19 and Groom Road.

/s/ Ronnie J. Berthelot
Ronnie J. Berthelot
SHOWS, CALI &
BERTHELOT, L.L.P.
644 St. Ferdinand Street
P.O. Drawer 4425
Baton Rouge, Louisiana
70821
(225) 346-1461
Counsel for defendant,
State of Louisiana
Department of
Transportation
and Development

/s/ Leonard Cardenas, III
A LAW CORPORATION
6709 Perkins Road
Baton Rouge, Louisiana
70808
(225) 766-5464
Counsel for plaintiffs,
Nancy Lockett and
Ronny Lockett

WEDNESDAY, JULY 12, 2000

NINETEENTH JUDICIAL DISTRICT COURT, CIVIL DIVISION "D,"
HONORABLE JANICE CLARK, JUDGE PRESIDING, WAS OPENED PURSUANT TO ADJOURNMENT.

No. 462-218 **Wednesday, July 12, 2000,**
Nancy Lockett, et al
vs.
State of Louisiana, DOTD

This matter is before the court for ruling on motion for protective order. Following an in camera inspection, the Court grants the protective order as to the documents reviewed in camera as the documents fall under the protection of 23 USCA Section 409. Further, the Court orders that the depositions go forward subject to the limitation that no testimony shall be elicited concerning data collected or complied pursuant to 23 USCA Section 409. Notify all parties by certified copy of minute entry. This matter was not electronically recorded.

Reported by Liz Brown.

NANCY LOCKETT AND RONNY LOCKETT, HUSBAND AND WIFE	**NUMBER: 462,218 DIVISION D 19TH JUDICIAL DISTRICT COURT**
VERSUS	**EAST BATON ROUGE PARISH**
THE STATE OF LOUISIANA, DEPARTMENT OF TRANSPORTATION AND DEVELOPMENT	**STATE OF LOUISIANA**

ORDER GRANTING PROTECTIVE ORDER

(Filed Jul. 17, 2000)

Considering the Court's *in camera* inspection of the records submitted by the City of Baker, Louisiana, the Court grants the Sate of Louisiana through the Department of Transportation and Development's motion for protective order and accordingly,

IT IS ORDERED that the documents reviewed by the Court during its *in camera* inspection shall not be produced to the plaintiffs.

IT IS FURTHER ORDERED that the depositions of the mayor and chief of police of Baker shall go forward subject to the limitation that no testimony shall be elicited concerning data collected or complied pursuant to 23 USCA Section 409.

Baton Rouge, Louisiana this 17 day of July, 2000

/s/ Janice Clark
JUDGE, 19th Judicial District Court

Certificate

I, Ronnie J. Berthelot, certify that I mailed a copy of the foregoing by U.S. Mail postage prepaid on the 17th day of July, 2000 to the following attorneys:

Leonard Cardenas III
John T. Joubert
6525 Perkins Road
Baton Rouge, LA 70808

/s/ Ronnie J. Berthelot
Ronnie J. Berthelot

NANCY LOCKETT AND RONNY LOCKETT, HUSBAND AND WIFE	**NUMBER: 462,218 DIVISION "D" 19TH JUDICIAL DISTRICT COURT**
VERSUS	**PARISH OF EAST BATON ROUGE**
THE STATE OF LOUISIANA, DEPARTMENT OF TRANSPORTATION AND DEVELOPMENT	**STATE OF LOUISIANA**

SUBPOENA DUCES TECUM DIRECTED TO BOBBY SIMPSON AND SID GAUTREAUX

TO: Mayor Bobby Simpson
3325 Groom Road
Baker, LA 70714

Chief Sid Gautreaux
Municipal Annex
1320 Alabama Street
Baker, La 70714

You have been ordered by the Court to produce to the office of Cardenas Law Firm, 6525 Perkins Road, Baton Rouge, Louisiana 70808 the following:

Any and all documents relating to the intersection of Highway 19 and Groom Road in Baker, Louisiana that are not protected from discovery by 23 USC § 409, including those outlined in the Louisiana First Circuit Court of Appeal opinion rendered in *Irion v. DOTD*, 98-2616 (La. App. 1st Cir. 5/12/00), 760 So. 2d 1220, such as but not limited to all police accident reports, all documents generated by the Baker City Police including Chief of Police Sid Gautreaux, all reports drafted by the Baker Police Department, any City Council minutes of any meetings or

memoranda, letter or document relating to any analysis or study done by the Baker City Police concerning the subject intersection, and the identification by listing and a very general description of each document or group of documents contained in the mayor's file that were previously produced to Judge Janice Clark for *in camera* inspection.

NO APPEARANCE REQUIRED IF DOCUMENTS RECEIVED BY OCTOBER 9, 2000.

This subpoena was ordered by attorney Leonard Cardenas III and was issued by the Clerk of Court on the 2[illegible] day of ___, 2000.

DEPUTY CLERK OF COURT,
19th Judicial District Court

By Attorneys:
CARDENAS LAW FIRM

/s/ Leonard Cardenas III
LEONARD CARDENAS III, LSBA NO. 18162
JOHN T. JOUBERT, LSBA NO. 25121
HENRI M. SAUNDERS, LSBA NO. 25236
6525 Perkins Road
Baton Rouge, LA 70808
Telephone: (225) 766-5464

CERTIFICATE

I hereby certify that a copy of the above and foregoing has this date been mailed, postage prepaid, to all counsel of record.

Baton Rouge, Louisiana, this 27th day of September, 2000.

/s/ Leonard Cardenas III
LEONARD CARDENAS III

NANCY LOCKETT AND
RONNY LOCKETT, HUSBAND
AND WIFE

VERSUS

THE STATE OF LOUISIANA
DEPARTMENT OF
TRANSPORTATION AND
DEVELOPMENT

NUMBER 462,218 DIVISION D

19TH JUDICIAL DISTRICT COURT

EAST BATON ROUGE PARISH

STATE OF LOUISIANA

SECOND MOTION FOR PROTECTIVE ORDER AND/OR TO QUASH SUBPOENAES AND SUBPOENA DUCES TECUM

NOW INTO COURT, through undersigned counsel, comes the State of Louisiana through the Department of Transportation and Development (DOTD) and files its second motion for the following reasons:

1.

Plaintiffs are suing the State of Louisiana through the DOTD.

2.

On September 27, 2000, plaintiffs requested a second subpoena duces tecum be issued to the mayor and chief of police of Baker, Louisiana for certain records, which DOTD asserts are privileged and/or not discoverable. A

copy of the letter requesting the subpoena duces tecum and the subpoena duces tecum are attached.

3.

The subpoena may be characterized as a "records only subpoena"; however, if the records are not produced by October 9, 2000, then it is assumed the witnesses are to appear at the time given on the subpoena.

4.

Although this subpoena attempts to avoid the coverage of 23 USC section 409 concerning records compiled for safety enhancement purposes, the subpoena seeks the same records that were produced to the Court by the City of Baker's attorney in response to DOTD's request for an *in camera* inspection.

5.

To the extent that the subpoena seeks records not part of those already produced to the Court, DOTD's motion covers those records as well.

6.

As discussed in the accompanying memorandum, DOTD states that it is entitled to have a protective order issued prohibiting the production of the requested records as required by 23 USCA section 409 and related Louisiana jurisprudence. Additionally, DOTD states that it is entitled to have a protective order issued prohibiting the Mayor Bobby Simpson and Chief of Police Sid

Gautreau and any of their subordinates, agents, attorneys and/or employees from testifying to matters pertaining to contents of the requested records and any safety issues related to Louisiana Highway 19 and Groom Road as required by 23 USCA section 409 and related Louisiana jurisprudence.

7.

Alternatively, DOTD is at least entitled to an *in camera* inspection of the records by the Court to determine if the records are governed by 23 USCA section 409 and related Louisiana jurisprudence.

8.

The subpoenaes command the records to be produced by October 9, 2000. DOTD requests that this motion be set for hearing prior to that date. If that is not possible, then DOTD requests that the Court stay production of the records until after a hearing may be heard concerning this motion.

THEREFORE, the State of Louisiana through the Department of Transportation and Development prays that the plaintiffs be ordered to appear and show cause why a protective order should not issue prohibiting the production of the records and/or documents requested by the plaintiffs as shown on the subpoena duces tecum and prohibiting Mayor Bobby Simpson and Chief of Police Sid Gautreau and any of their subordinates, agents, attorneys and/or employees from appearing on October 9, 2000 to produce the records or any other

matters pertaining to the contents of the requested records and/or documents and safety issues related to Louisiana Highway 19 and Groom Road as required by 23 USCA section 409 and related Louisiana jurisprudence.

ALTERNATIVELY, the State of Louisiana through the Department of Transportation and Development prays that the plaintiffs be ordered to show cause why a protective order should not issue requiring an *in camera* inspection of the records and/or documents by the Court

FURTHERMORE, the State of Louisiana through the Department of Transportation and Development prays that a hearing of this motion be held prior to October 9, 2000. Alternatively, if a hearing cannot be held prior to October 9, 2000, DOTD prays that Mayor Bobby Simpson and Chief of Police Sid Gautreau's appearances be stayed until after a hearing may be heard concerning this motion.

FINALLY, DOTD prays for all other just and equitable relief as allowed by law.

RICHARD P. IEYOUB
Attorney General

By: /s/ Ronnie J. Berthelot
Special Assistant Attorneys General
E. Wade Shows (7637)
Ronnie J. Berthelot (1012)
Shows, Cali & Berthelot
644 St. Ferdinand Street
Baton Rouge, LA 70821
(225) 346-1461

NANCY LOCKETT AND
RONNY LOCKETT, HUSBAND
AND WIFE

VERSUS

THE STATE OF LOUISIANA
DEPARTMENT OF
TRANSPORTATION AND
DEVELOPMENT

NUMBER 462,218 DIVISION D

19TH JUDICIAL DISTRICT COURT

EAST BATON ROUGE PARISH

STATE OF LOUISIANA

ORDER

IT IS ORDERED that the plaintiffs show cause on the _____ day of _____, 2000 at _____ o'clock a.m. why a protective order should not issue prohibiting the production of the records and/or documents requested by the plaintiffs as shown on the subpoena duces tecum attached to the foregoing motion and why a protective order should not issue prohibiting the Mayor Bobby Simpson and Chief of Police Sid Gautreau and any of their subordinates, agents, attorneys and/or employees from appearing on October 9, 2000 to produce the records or any other matters pertaining to the contents of the requested records and/or documents and safety issues related to Louisiana Highway 19 and Groom Road as required by 23 USCA section 409 and related Louisiana jurisprudence.

NANCY LOCKETT AND
RONNY LOCKETT, HUSBAND
AND WIFE

VERSUS

THE STATE OF LOUISIANA
DEPARTMENT OF
TRANSPORTATION AND
DEVELOPMENT

NUMBER 462,218 DIVISION D

19TH JUDICIAL DISTRICT COURT

EAST BATON ROUGE PARISH

STATE OF LOUISIANA

ORDER

IT IS ORDERED that the plaintiffs show cause on the _____ day of _____, 2000 at _____ o'clock a.m. why a protective order should not issue requiring an *in camera* inspection of the records sought by the plaintiffs by the Court

IT IS ORDERED that Mayor Bobby Simpson and Chief of Police Sid Gautreau's appearances be stayed and no documents be produced until after a hearing may be heard concerning this motion.

Baton Rouge, Louisiana this _____ day of _____, 2000.

_____

JUDGE, 19th Judicial District Court

Please serve the plaintiffs
through their attorney of record

Leonard Cardenas III
John T. Joubert
6709 Perkins Rd.
Baton Rouge, La. 70808

Certificate

I, Ronnie J. Berthelot, certify that I mailed a copy of the foregoing by U.S. Mail postage prepaid on the 3rd day of October, 2000 to the following attorneys:

Leonard Cardenas III
John T. Joubert
6709 Perkins Road
Baton Rouge, LA 70808

Paul Thompson
Attorney at Law
3325 Groom Road
Baker, LA 70714

/s/ Ronnie J. Berthelot
Ronnie J. Berthelot

CARDENAS LAW FIRM
6525 PERKINS ROAD
BATON ROUGE, LOUISIANA 70808

Leonard Cardenas III *†
John T. Joubert
Henri M. Saunders
*A Law Corporation
†Also Admitted in Texas

TEL. (225) 766-5464
FAX. (225) 766-5505

Karen S. Bolton
Certified Paralegal

September 27, 2000

Hon. Doug Welborn
Clerk, 19th Judicial District Court
222 St. Louis Street
Baton Rouge, LA 70801

RE: Nancy Lockett and Ronny Lockett,
Husband & Wife v.
The State of Louisiana Department of
Transportation & Development
Suit Number 462,218, Division "D", 19th JDC
My File No.: 99-2321

Dear Sir:

Please find enclosed for filing the following pleadings:

1. Plaintiffs' Motion *In Limine* and
2. Memorandum in Support of Motion *In Limine*.

Please file the original pleadings into the suit record and return the remaining copies stamped with the date of filing in my self-addressed and stamped envelope which is enclosed for your convenience.

Please issue a subpoena duces tecum to Mayor Bobby Simpson, Baker City Hall, 3325 Groom Road, Baker, Louisiana 70714 and Baker City Police Chief of Police Sid Gautreaux, Municipal Annex, 1320 Alabama Street, Baker, Louisiana 70714 to produce to Leonard Cardenas III, 6525 Perkins Road, Baton Rouge, Louisiana on or before October 9, 2000 the following documents:

> Any and all documents relating to the intersection of Highway 19 and Groom Road in Baker, Louisiana that are not protected from discovery by 23 U.S.C. § 409, including those outlined in the Louisiana First Circuit Court of Appeal

opinion rendered in *Irion v. DOTD*, 98-2616 (La. App. 1st Cir. 5/12/00), 760 So. 2d 1220, such as but not limited to all police accident reports, all documents generated by the Baker City Police including Chief of Police Sid Gautreaux, all reports drafted by the Baker Police Department, any City Council minutes of any meetings or memoranda, letter or document relating to any analysis or study done by the Baker City Police concerning the subject intersection, and the identification by listing and a very general description of each document or group of documents contained in the mayor's file that were previously produced to Judge Janice Clark for *in camera* inspection.

Enclosed please find my firm check in the amount of $118.00 which represents filing and service fees.

With kind regards, I am

Yours sincerely,

/s/ Leonard Cardenas III
Leonard Cardenas III
LC/tgs
Enclosures
cc: Ronnie J. Berthelot
Paul Thompson
Hon. Janice Clark

NANCY LOCKETT AND RONNY LOCKETT, HUSBAND AND WIFE	NUMBER 462,218 DIVISION "D"
VERSUS	19TH JUDICIAL DISTRICT COURT
THE STATE OF LOUISIANA, DEPARTMENT OF TRANSPORTATION AND DEVELOPMENT	PARISH OF EAST BATON ROUGE
	STATE OF LOUISIANA

PLAINTIFF'S MOTION *IN LIMINE*

UPON MOTION of the plaintiffs, through undersigned counsel, requesting that this trial court make an evidentiary ruling *in limine* concerning discoverability of documents requested by the plaintiffs from the City of Baker and its mayor Bobby Simpson and from the City of Baker Police Department, for those reasons more fully shown in the attached supporting memorandum filed in connection herewith,

IT IS ORDERED that defendant DOTD show cause on the ___ day of _____, 2000 why the plaintiffs' Motion *In Limine* should not be granted as prayed for.

Signed this ___ day of _____, 2000.

_____

HONORABLE JUDGE JANICE CLARK

Respectfully submitted,

By Attorneys:

CARDENAS LAW FIRM

/s/ Leonard Cardenas III
LEONARD CARDENAS III,
LSBA NO. 18162
JOHN T. JOUBERT,
LSBA NO. 25121
HENRI M. SAUNDERS,
LSBA NO. 25236
6709 Perkins Road
Baton Rouge, LA 70808
Telephone: (225) 766-5464

CERTIFICATE

I hereby certify that a copy of the above and foregoing has this date been mailed, postage prepaid, to all counsel of record.

Baton Rouge, Louisiana, this 27th day of September, 2000.

/s/ Leonard Cardenas III
LEONARD CARDENAS III

NANCY LOCKETT AND RONNY LOCKETT, HUSBAND AND WIFE	NUMBER 462,218 DIVISION D
VERSUS	19TH JUDICIAL DISTRICT COURT
THE STATE OF LOUISIANA, DEPARTMENT OF TRANSPORTATION AND DEVELOPMENT	EAST BATON ROUGE PARISH
	STATE OF LOUISIANA

DOTD'S OPPOSITION TO THE PLAINTIFFS' MOTION IN LIMINE

NOW INTO COURT, through undersigned counsel comes the State of Louisiana through the Department of Transportation and Development (DOTD) and files its opposition to the plaintiffs' motion in limine as follows:

1.

The Court ruled on July 17, 2000 that the documents it reviewed in its *in camera* inspection were not discoverable.

2.

Plaintiffs did not take a writ to have that order reviewed.

3.

Plaintiffs state on page 1 of their supporting memorandum that " . . . Only recently have the plaintiffs learned that many of the documents contained in the

mayor's file are indeed discoverable and not protected by 23 USC section 409 . . . "

4.

The evidence supporting that statement is unknown to DOTD and plaintiffs' counsel has not produced any evidence supporting that statement.

5.

Counsel for DOTD surmises that plaintiffs' counsel may be referring to selected testimony given by Chief of Police Sid Gautreaux during his deposition.

6.

However, Mr. Gautreaux did not know what was in Mayor Simpson's file.

7.

Because the Court has already reviewed Mayor Simpson's entire file concerning the Groom Road Highway 19 intersection, there is nothing further to review.

8.

Furthermore, plaintiffs' motion rests entirely upon the case of *Irion v. DOTD*, 98-2616 (La. App. 1st Cir. 5/12/00), 760 So.2d 1220. However, the judgment rendered in that case is being reviewed by the Louisiana Supreme Court; hence, the judgment is not final.

THEREFORE, the State of Louisiana through the Department of Transportation and Development prays that the plaintiffs' motion in limine be denied and at the plaintiffs' costs.

RICHARD P. IEYOUB
Attorney General

/s/ Ronnie J. Berthelot
E. Wade Shows, #7637
Ronnie J. Berthelot, #1012
Special Assistant Attorneys General
Shows, Cali & Berthelot, L.L.P.
644 St. Ferdinand Street
Baton Rouge, LA 70802
(225) 346-1461

Certificate

I, Ronnie J. Berthelot, certify that I mailed a copy of the foregoing by U.S. Mail postage prepaid on the 3rd day of October, 2000 to the following attorney:

Leonard Cardenas III
John T. Joubert
6709 Perkins Road
Baton Rouge, LA 70808

Paul Thompson
Attorney at Law
3325 Groom Road
Baker, LA 70714

/s/ Ronnie J. Berthelot
Ronnie J. Berthelot

NANCY LOCKETT AND RONNY LOCKETT, HUSBAND AND WIFE	NUMBER 462,218 DIVISION D
VERSUS	19TH JUDICIAL DISTRICT COURT
THE STATE OF LOUISIANA DEPARTMENT OF TRANSPORTATION AND DEVELOPMENT	EAST BATON ROUGE PARISH
	STATE OF LOUISIANA

ITEMIZED LIST OF DOCUMENTS CONTAINED IN THE FILE OF MAYOR BOBBY SIMPSON, MAYOR OF BAKER CONCERNING HIGHWAY 19[1]

(Filed November 20, 2000)

On November 15, 2000 in response to the Court's order read and rendered on November 13, 2000 in open court, the State of Louisiana, through the Department of Transportation and Development (DOTD) compiled the following itemized list of documents contained in a manila colored file labeled "Speed Limit Highway 19th (the file) kept in the office of Mayor Bobby Simpson, Mayor of Baker, Louisiana. DOTD does not waive any rights it possesses concerning the Court's ruling on this issue but merely complies with the Court's order. DOTD objects to the use of any accident histories concerning Highway 19 and/or Highway 19 and the intersection of

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[1] Counsel for DOTD was handed the only file concerning Highway 19 as it traverses through Baker. According to mayor Simpson's office there is no file only concerning the intersection of Highway 19 and Groom Road. Counsel for DOTD has no knowledge of the existence of any other file concerning Highway 19 and/or the intersection of Highway 19 and Groom Road.

Groom Road. Also, DOTD reserves all of its rights to object to the admissability of any document and/or thing protected by 23 USC section 409 and the jurisprudence interpreting that statute should those documents and/or things be discovered through the "back door" or were obtained from the files of any other person and/or entity. Furthermore, DOTD will indicate in **bold typeface** those documents it contends are protected from production by 23 USC section 409 and the jurisprudence of the United States and the State of Louisiana. When DOTD uses the term "protected by", it means that the documents and/or things referred to are prohibited from discovery and/or production to any person and/or entity. Every document and snippet of paper contained in the file has been listed and the order in which they appear in the list is the exact order within which they were found in the file. There are no independent studies of any kind concerning Highway 19 and/or Highway 19 and its intersection with Groom Road conducted by the City of Baker, Louisiana and/or any of its elected officials and/or personnel. Also, the City of Baker, Louisiana did not employ anyone to conduct a study of any kind concerning Highway 19 and/or Highway 19 and its intersection with Groom Road.[2] Counsel for DOTD did not make any copies of these documents and has not requested that any be made. Counsel for DOTD reviewed the file in a conference room adjacent to the Mayor's office located in the municipal

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[2] Charles Higgins was hired to conduct a study but this contract was approved and issued by DOTD.

building for the City of Baker. Before reviewing the documents, counsel for the DOTD obtained permission from the City of Baker's attorney, Paul Thompson.

Itemized List

(1) one manila file folder labeled "Speed Limit Highway 19" containing handwritten notes on the inside left portion referencing DOTD personnel and "plans"; – **DOTD asserts that this letter is protected by 23 USC section 409 and all jurisprudence interpreting that statute;**

(2) letter dated 12/16/99 from Capital Region Planning Commission (CRPC) to Dr. Kam Movassaghi of DOTD referencing "La. 19 Improvements in Baker"; **– DOTD asserts that this letter is protected by 23 USC section 409 and all jurisprudence interpreting that statute;**

(3) letter dated 1/25/2000 from CRPC to Dr. Kam Movassaghi of DOTD – **DOTD asserts that this letter is protected by 23 USC section 409 and all jurisprudence interpreting that statute;**

(4) letter dated 1/11/2000 from Kam Movassaghi of DOTD to Mr. Huey Dugas of CRPC referencing "La. 19 Improvements in Baker" – **DOTD asserts that this letter is protected by 23 USC section 409 and all jurisprudence interpreting that statute;**

(5) telephone message for Mayor Bobby Simpson from Huey Dugas of CRPC dated 12/13/99? referencing a copy of a "safety study by Tom Buckley"; attached to this phone message are (a) fax cover sheet from Bobby Simpson to Huey Dugas; (b) letter dated 4/13/93 entitled "Speed Limit Study" authored by Thomas Buckley of DOTD and (c) an ending fax sheet; – **DOTD asserts that all of these items are**

protected by 23 USC section 409 and all jurisprudence interpreting that statute;

(6) letter dated 7/21/99 from Mayor Simpson to Coan Bueche of DOTD, assistant secretary of office of planning and programming referencing "Highway 19, 5th Lane" – **DOTD asserts that this letter is protected by 23 USC section 409 and all jurisprudence interpreting that statute;**

(7) letter dated 1/15/97 from Charlie Higgins to Mayor Bobby Simpson referencing "Study to Widen La. 19 to 5 lanes in Baker" – **DOTD asserts that this letter is protected by 23 USC section 409 and all jurisprudence interpreting that statute because Charlie Higgins was awarded a contract by DOTD to conduct the study;**

(8) letter dated 7/27/98 from Bobby Simpson to Secretary Frank Denton of DOTD referencing newspaper article concerning the death of Katy Lockett; attached to this letter are the following: (a) a copy of the newspaper article; (b) a letter dated 7/15/98 from Mayor Bobby Simpson to Don Neisler of CRPC; (c) letter dated 2/12/98 from R.E. Dillon, Jr. P.E. of DOTD referencing the speed limit on Highway 19; (d) letter dated 6/25/97 from Ronald D. Carter of DOTD referencing speed limit, bi-directional left turn lane study with schematic diagrams; – **DOTD asserts that all of these items are protected by 23 USC section 409 and all jurisprudence interpreting that statute;**

(9) cut out of *Morning Advocate* article reporting the death of Katy Lockett; this article is scotch taped to a letter size plain white sheet of paper;

(10) letter dated 7/15/98 from Mayor Bobby Simpson to Don Neisler of CRPC referencing "TEA 21 funding regarding Highway 19 5th lane; attached to this

letter is an interoffice memo from Mayor Bobby Simpson to "Julie Mc" concerning putting the 7/15/98 letter in final form; – **DOTD asserts that this letter is protected by 23 USC section 409 and all jurisprudence interpreting that statute;**

(11) another copy of letter dated 2/12/98 from R.E. Dillon, Jr. P.E. of DOTD referencing the speed limit on Highway 19 – **DOTD asserts that this item is protected by 23 USC section 409 and all jurisprudence interpreting that statute;**

(12) letter dated 8/19/94 from Mayor Simpson to Jude Patin, Secretary of DOTD referencing 5th lane on Highway 19 in Baker" – **DOTD asserts that this item is protected by 23 USC section 409 and all jurisprudence interpreting that statute;**

(13) copy of speed limit study dated 4/13/93 authored, prepared and completed by Thomas Buckley of DOTD – **DOTD asserts that this item is protected by 23 USC section 409 and all jurisprudence interpreting that statute;**

(14) copy of unenrolled Louisiana State Legislative House Bill No. 533 by Rep. McCleary to change speed limit on Highway 19;

(15) copy of unacted upon Louisiana State Legislative House Concurrent Resolution No. 41 by Rep. McCleary concerning Highway 19 and Manhattan Street and Highway 19 and Myrtle Street;

(16) another copy of speed limit study dated 4/13/93 authored, prepared and completed by Thomas Buckley of DOTD; attached to this document are the following: (a) letter dated 8/22/94 from Mayor Bobby Simpson to Senator Ron Landry; (b) letter dated 8/22/94 from Mayor Bobby Simpson to Representative Raymond Jetson (c) letter dated 8/22/94 from Mayor Bobby Simpson to Rep. Kip Holden; (d)

letter dated 8/22/94 from Mayor Bobby Simpson to Rep. Mike McCleary; (e) letter dated 8/22/94 from Mayor Bobby Simpson to Senator Mike Cross; (f) letter dated 8/22/94 from Mayor Bobby Simpson to Don Neisler of CRPC – **DOTD asserts that all of these items are protected by 23 USC section 409 and all jurisprudence interpreting that statute because items; items (a) through (f) reference the speed limit study;**

(17) copy of unacted upon Louisiana State Legislative House Concurrent Resolution authorizing DOTD to erect traffic signals on Highway 19;

(18) letter dated 12/2/94 from Lacy Glascow of DOTD to Mayor Bobby Simpson referencing speed limit study; attached to this letter are the following: (a) letter from Thomas Buckley dated 10/4/94 to Mayor Bobby Simpson referencing speed limit on Highway 19; (b) letter dated 7/20/94 from Jude Patin of DOTD to Mayor Bobby Simpson referencing speed limit on Highway 19; (c) speed limit study dated 6/16/94 conducted, authored and compiled by Hewitt J. Beauvais III an engineer employed with DOTD; – **DOTD asserts that all of these items are protected by 23 USC section 409 and all jurisprudence interpreting that statute;**

(19) letter dated 8/29/94 from Senator Mike Cross to Jude Patin of DOTD referencing 5th lane on Highway 19; – **DOTD asserts that this item is protected by 23 USC section 409 and all jurisprudence interpreting that statute;**

(20) letter dated 9/28/94 from Mayor Bobby Simpson to Don Neisler of CRPC referencing a letter from Jude Patin of DOTD concerning 5th lane and speed on Highway 19; attached to this letter is a letter dated 9/26/94 from Jude Patin of DOTD to Mayor Bobby Simpson referencing 5th lane and speed limit on

Highway 19 – **DOTD asserts that these items are protected by 23 USC section 409 and all jurisprudence interpreting that statute;**

(21) letter dated 11/21/91 from Dempsey D. White of DOTD to Mayor Pete Heine referencing a left turn lane on Highway 19 and refers to a report prepared by DOTD; – **DOTD asserts that this item is protected by 23 USC section 409 and all jurisprudence interpreting that statute;**

(22) fax cover sheet dated 12/19/96 from Julie McCullock of Mayor Bobby Simpson's office to Ronnie Carter of DOTD; nothing was attached to this fax cover sheet; hence DOTD does not object to production of this cover sheet; however, if it is later determined that a document protected by 23 USC section 409 and all jurisprudence interpreting that statute was attached to that fax cover sheet then DOTD does object to production of the fax cover sheet and the attachments;

(23) fax cover sheet dated 3/31/97 from Mayor Bobby Simpson to Mark Smith of the *Baker Observer;*

(24) letter dated 3/31/97 from Baker Chamber of Commerce to Willie Taylor, District 61 of DOTD referencing turn lane on Highway 19 and speed limit – **DOTD asserts that this item is protected by 23 USC section 409 and all jurisprudence interpreting that statute;**

(25) letter dated 5/24/93 from Jude Patin of DOTD to Mayor Bobby Simpson referencing speed limit on Highway 19 and traffic signal at Coolidge Road; attached to this letter is a "traffic signal report" dated 4/23/93 authored, compiled and conducted by Thomas Buckley of DOTD; – **DOTD asserts that**

both of these items are protected by 23 USC section 409 and all jurisprudence interpreting that statute;

(26) letter dated 9/28/94 from Mayor Bobby Simpson to Don Neisler of CRPC referencing 5th lane on Highway 19 and letter from Jude Patin to Mayor Bobby Simpson referencing the same topic; attached to this letter is a letter dated 9/26/94 from Jude Patin of DOTD to Mayor Bobby Simpson referencing a 5th lane; – **DOTD asserts that both of these items are protected by 23 USC section 409 and all jurisprudence interpreting that statute;**

(27) another copy of 4/13/93 speed limit study conducted, authored and compiled by DOTD; – **DOTD asserts that this item is protected by 23 USC section 409 and all jurisprudence interpreting that statute;**

(28) letter dated 8/19/94 from Mayor Bobby Simpson to Jude Patin of DOTD referencing 5th lane on Highway 19; – **DOTD asserts that this item is protected by 23 USC section 409 and all jurisprudence interpreting that statute;**

(29) letter dated 4/2/96 from Mayor Bobby Simpson to Charlie Higgins referencing 5th lane on Highway 19 as a "safety project"; **DOTD asserts that this item is protected by 23 USC section 409 and all jurisprudence interpreting that statute;**

(30) letter dated 8/4/99 from Mayor Bobby Simpson to Don Neisler of CRPC referencing 5th lane on Highway 19; attached to this letter is a letter dated 7/28/99 from Coan Bueche of DOTD to Mayor Bobby Simpson referencing a study of doing a 5th lane on Highway 19; **DOTD asserts that these items are protected by 23 USC section 409 and all jurisprudence interpreting that statute;**

(31) letter dated 8/3/99 from Don W. Neisler of CRPC to Coan Bueche of DOTD discussing a proposed "consulting fee" contract to do a study of Highway 19; **DOTD asserts that this item is protected by 23 USC section 409 and all jurisprudence interpreting that statute;**

(32) letter dated 2/28/97 from Charles Higgins to Mayor Bobby Simpson referencing improvement to Groom Road and proposed "study" of Highway 19; **DOTD asserts that this item is protected by 23 USC section 409 and all jurisprudence interpreting that statute;**

(33) "Continuous Left Turn Lane Study" dated October, 1999 prepared by Higgins Engineering for DOTD and CRPC; **DOTD asserts that this item is protected by 23 USC section 409 and all jurisprudence interpreting that statute;**

(34) one letter size plain white page containing two boxes referencing Highway 19 projects and ITS projects; the source of this document is unknown; if the source may be traced back to DOTD's records and the document refers to anything protected by 23 USC section 409 and all jurisprudence interpreting that statute then in that event, DOTD objects to production of this document;

(35) one letter size plain white page containing latest STIP projects not in "current TIP"; the source of this document is unknown; if the source may be traced back to DOTD's records and the document refers to anything protected by 23 USC section 409 and all jurisprudence interpreting that statute then in that event, DOTD objects to production of this document;

(36) 4 pages of "projects in STIP within MPO areas"; the source of this document is unknown; if the source

may be traced back to DOTD's records and the document refers to anything protected by 23 USC section 409 and all jurisprudence interpreting that statute then in that event, DOTD objects to production of this document;

(37) copy of "A Joint Meeting of the Transportation Policy Committee and Technical Advisory Committee" dated December 14, 1999; **DOTD asserts that this item is protected by 23 USC section 409 and all jurisprudence interpreting that statute because it contains item (33) above;**

(38) letter dated 8/19/94 from Mayor Bobby Simpson to Jude Patin of DOTD referencing 5th lane on Highway 19; attached to this letter are the following: (a) speed limit study dated 4/13/93 authored, conducted and compiled by Thomas Buckley of DOTD; (b) letter dated 8/22/94 from Mayor Bobby Simpson to Senator Ron Landry; (c) letter dated 8/22/94 from Mayor Bobby Simpson to Senator Ron Landry; (d) letter dated 8/22/94 from Mayor Bobby Simpson to Rep. Raymond Jetson; (e) letter dated 8/22/94 from Mayor Bobby Simpson to Rep. Kip Holden; (f) letter dated 8/22/94 from Mayor Bobby Simpson to Rep. Mike McCleary; (g) letter dated 8/22/94 from Mayor Bobby Simpson to Sen. Mike Cross; (h) letter dated 8/22/94 from Mayor Bobby Simpson to Don Neilser of CRPC; – **DOTD asserts that all these items are protected by 23 USC section 409 and all jurisprudence interpreting that statute; items (a) through (h) attach a copy of the speed limit study authored, conducted and compiled by Thomas Buckley of DOTD;**

(39) letter dated 6/1/94 from Mayor Bobby Simpson to Jude Patin of DOTD referencing speed limit on Highway 19 and traffic signals; – **DOTD asserts**

that this item is protected by 23 USC section 409 and all jurisprudence interpreting that statute;

(40) letter dated 11/30/92 from Dempsey D. White of DOTD to Mayor Bobby Simpson referencing a report on installation of traffic signals on Highway 19; – **DOTD asserts that this item is protected by 23 USC section 409 and all jurisprudence interpreting that statute;**

(41) another copy of the speed limit study dated 4/13/93 authored, conducted and compiled by Thomas Buckley of DOTD; – **DOTD asserts that this item is protected by 23 USC section 409 and all jurisprudence interpreting that statute;**

(42) letter dated 8/24/92 from Linda Irving, a private citizen of Baker, La., to Thomas Buckley of DOTD referencing left turn lane at Lavy Lane and Highway 19; – **DOTD asserts that this item is protected by 23 USC section 409 and all jurisprudence interpreting that statute;**

(43) letter dated 5/24/93 from Jude Patin of DOTD to Mayor Bobby Simpson, which is the same as #25 above; attached to this letter is another copy of item #25 above; – **DOTD asserts that this item is protected by 23 USC section 409 and all jurisprudence interpreting that statute;**

(44) letter dated 5/26/93 from Mayor Bobby Simpson to Mike Muhlman of CRPC referencing speed limit on Highway 19; – **DOTD asserts that this item is protected by 23 USC section 409 and all jurisprudence interpreting that statute;**

(45) letter dated 7/25/94 from Jude Patin of DOTD to Mayor Bobby Simpson referencing a study of traffic signals on Highway 19; – **DOTD asserts that this item is protected by 23 USC section 409 and all jurisprudence interpreting that statute;**

(46) letter dated 7/20/94 from Jude Patin of DOTD to Mayor Bobby Simpson referencing speed limit on Highway 19; – **DOTD asserts that this item is protected by 23 USC section 409 and all jurisprudence interpreting that statute;**

(47) speed limit study dated 6/16/94 conducted, authored and compiled by Hewitt J. Beauvais III of DOTD; – **DOTD asserts that this item is protected by 23 USC section 409 and all jurisprudence interpreting that statute;**

(48) traffic signal study dated 6/16/94 conducted, authored and compiled by Hewitt J. Beauvais III of DOTD; – **DOTD asserts that this item is protected by 23 USC section 409 and all jurisprudence interpreting that statute;**

(49) letter dated 6/8/94 from Jude Patin of DOTD to Mayor Bobby Simpson referencing traffic signals and speed limit; – **DOTD asserts that this item is protected by 23 USC section 409 and all jurisprudence interpreting that statute;**

(50) letter dated 6/8/94 from Senator Mike Cross to Jude Patin of DOTD referencing traffic signals and speed limit; – **DOTD asserts that this item is protected by 23 USC section 409 and all jurisprudence interpreting that statute;**

(51) letter dated 6/13/87 from Roy Mitchell of DOTD to Mayor Pete Heine referencing a study on speed limit conducted, authored and compiled by Roy Mitchell of DOTD; – **DOTD asserts that this item is protected by 23 USC section 409 and all jurisprudence interpreting that statute;**

(52) copy of a 7/6/87 speed limit study conducted, authored and compiled by Thomas Buckley of DOTD; – **DOTD asserts that this item is protected**

by 23 USC section 409 and all jurisprudence interpreting that statute;

(53) letter dated 3/31/93 from Mayor Bobby Simpson and Chief of Police Sid Gautreaux to Jude Patin of DOTD referencing speed limit; – **DOTD asserts that this item is protected by 23 USC section 409 and all jurisprudence interpreting that statute;**

(54) letter dated 10/13/92 from Chief of Police Sid Gautreaux to Mayor Bobby Simpson referencing accident records; – **DOTD asserts that this item is protected by 23 USC section 409 and all jurisprudence interpreting that statute;**

(55) letter dated 10/22/92 from Senator Mike Cross to Jude Patin of DOTD referencing accidents at intersection of Coolidge Road and Highway 19; **DOTD asserts that this item is protected by 23 USC section 409 and all jurisprudence interpreting that statute;**

(56) handwritten, undated, letter from Roy Dodez, manager of Piggly Wiggly supermarket requesting a traffic signal at Coolidge Road and Highway 19; – **DOTD asserts that this items is protected by 23 USC section 409 and all jurisprudence interpreting that statute;**

(57) a single letter size plain white sheet of paper containing accident counts for highway 19; the source of this document is unknown; if the source may be traced back to DOTD's records and the document refers to anything protected by 23 USC section 409 and all jurisprudence interpreting that statute then in that event, DOTD objects to production of this document;

(58) a traffic signal report dated 4/23/93 authored, conducted and compiled by Thomas Buckley of DOTD; – **DOTD asserts that this item is protected by 23**

USC section 409 and all jurisprudence interpreting that statute;

(59) letter dated 5/24/93 from Jude Patin of DOTD to Mayor Bobby Simpson referencing traffic signal study conducted, authored and compiled by DOTD at Coolidge Road and Highway 19; – **DOTD asserts that this item is protected by 23 USC section 409 and all jurisprudence interpreting that statute;**

(60) letter dated 3/2/2000 from Huey Dugas of CRPC to Dr. Kam Movassaghi, Secretary of DOTD referencing safety studies conduced by DOTD concerning Highway 19; – **DOTD asserts that this item is protected by 23 USC section 409 and all jurisprudence interpreting that statute;**

(61) follow up letter dated 3/24/2000 concerning item (60) above from Dr. Kam Movassaghi of DOTD to Huey Dugas of CRPC referencing a "safety project"; **– DOTD asserts that this item is protected by 23 USC section 409 and all jurisprudence interpreting that statute;**

RICHARD P. IEYOUB
Attorney General

By: /s/ Ronnie J. Berthelot
Special Assistant Attorneys General
E. Wade Shows (7637)
Ronnie J. Berthelot (1012)
Shows, Cali & Berthelot
644 St. Ferdinand Street
Baton Rouge, LA 70821
(225) 346-1461

Certificate

I, Ronnie J. Berthelot, certify that I transmitted a facsimile copy at the facsimile number listed and mailed a copy by U.S. Mail postage of the foregoing to the following attorneys:

Leonard Cardenas III
Attorney at Law
6525 Perkins Road
Baton Rouge, LA 70808
facsimile number: (225) 766-5505

Paul Thompson
Attorney at Law
3325 Groom Road
Baker, LA 70714
facsimile number (225) 775-6910
facsimile number (225) 775-5598

on November 17, 2000.

/s/ Ronnie J. Berthelot
Ronnie J. Berthelot

NANCY LOCKETT AND RONNY LOCKETT, HUSBAND AND WIFE	NUMBER 462,218 DIVISION D
VERSUS	19th JUDICIAL DISTRICT COURT
THE STATE OF LOUISIANA, DEPARTMENT OF TRANSPORTATION AND DEVELOPMENT	EAST BATON ROUGE PARISH
	STATE OF LOUISIANA

DOTD'S ANSWER TO REQUESTS FOR ADMISSIONS OF FACT

NOW INTO COURT, through undersigned counsel, comes the State of Louisiana through the Department of Transportation and Development (DOTD) and answers the plaintiffs' requests for admissions of fact containing two (2) pages and four (4) requests that were received by DOTD at 4:22 p.m. on November 20, 2000 by facsimile transmission as follows:

REQUEST FOR ADMISSION NO. 1:

The Department of Transportation and Development, State of Louisiana, had actual knowledge and notice of a need for a turning lane on Highway 19 at its intersection with Groom Road prior to the date and time of the subject accident.

RESPONSE TO REQUEST FOR ADMISSION NO. 1:

The Department of Transportation and Development, State of Louisiana, denies request for admission no. 1. The request makes an erroneous legal conclusion that a

turning lane was needed at the intersection of Highway 19 and Groom Road. Furthermore, the request erroneously assumes that the DOTD had an obligation and/or duty to provide a turning lane at the intersection of Highway 19 and Groom Road.

REQUEST FOR ADMISSION NO. 2:

The Department of Transportation and Development, State of Louisiana, had constructive knowledge and notice of a need for a turning lane on Highway 19 at its intersection with Groom Road prior to the date and time of the subject accident.

RESPONSE TO REQUEST FOR ADMISSION NO. 2:

The Department of Transportation and Development, State of Louisiana, denies request for admission no. 2. The request makes an erroneous legal conclusion that a turning lane was needed at the intersection of Highway 19 and Groom Road. Furthermore, the request erroneously assumes that the DOTD had an obligation and/or duty to provide a turning lane at the intersection of Highway 19 and Groom Road.

REQUEST FOR ADMISSION NO. 3:

The Department of Transportation and Development, State of Louisiana, had actual knowledge and notice of numerous collisions occurring between vehicles traveling on Highway 19 at its intersection with Groom Road intending to proceed through the intersection, and vehicles approaching from the opposite direction on Highway

19 intending to turn east or west onto Groom Road prior to the date and time of the subject accident.

RESPONSE TO REQUEST FOR ADMISSION NO. 3:

The Department of Transportation and Development, State of Louisiana, denies request for admission no. 3. Furthermore, The Department of Transportation and Development, State of Louisiana objects to request for admissions no. 3 because the request concerns matters that are not relevant to the issues before the Court and "numerous collisions" are not defined. Secondly, the Department of Transportation and Development, State of Louisiana had no ability and has no ability to know the intentions of the drivers of vehicles proceeding on Groom Road at the intersection of Highway 19. Thirdly, the request erroneously assumes that someone other than the drivers of the vehicles were at fault. Fourthly, the request seeks an admission when it is impossible to lay a foundation for lack of evidence as to how the accidents occurred. Furthermore, the request seeks a response that is not reasonably calculated to lead to the discovery of admissible evidence.

REQUEST FOR ADMISSION NO. 4:

Prior to the date and time of the subject accident, the Department of Transportation and Development, State of Louisiana, had received complaints *from third persons* of a need for a turning lane or for other changes to be made at the intersections of Louisiana Highway 19 and Groom Road because of the number of "90 degree collisions" occurring between vehicles at that intersection.

RESPONSE TO REQUEST FOR ADMISSION NO. 4:

The Department of Transportation and Development, State of Louisiana *objects* to request for admissions number 4 because it attempts to circumvent the Court's order concerning documents and things protected by *23 USC section 409.*

RICHARD P. IEYOUB
Attorney General

By: /s/ Ronnie J. Berthelot
Special Assistant Attorneys General
E. Wade Shows (7637)
Ronnie J. Berthelot (1012)
Shows, Cali & Berthelot
644 St. Ferdinand Street
Baton Rouge, LA 70821
(225) 346-1461

Certificate

I, Ronnie J. Berthelot, certify that I transmitted a copy of the foregoing by facsimile to (225) 766-5505 and mailed a copy of the foregoing by U.S. Mail postage prepaid on the 30th day of November, 2000 to the following attorneys:

Leonard Cardenas III
John T. Joubert
6709 Perkins Road
Baton Rouge, LA 70808

/s/ Ronnie J. Berthelot
Ronnie J. Berthelot

NANCY LOCKETT AND RONNY LOCKETT, HUSBAND AND WIFE	NUMBER 462,218 DIVISION D
VERSUS	19th JUDICIAL DISTRICT COURT
THE STATE OF LOUISIANA, DEPARTMENT OF TRANSPORTATION AND DEVELOPMENT	EAST BATON ROUGE PARISH
	STATE OF LOUISIANA

CERTIFICATE

Pursuant to Louisiana Code of Civil Procedure article 1313 B, the following was sent by facsimile to (225) 766-5505 and U.S. Mail, postage prepaid on November 30, 2000 to Leonard Cardenas III and John T. Joubert, 6709 Perkins Road, Baton Rouge, LA 70808:

DOTD's answer to requests for admissions of fact.

RICHARD P. IEYOUB
Attorney General

By: /s/ Ronnie J. Berthelot
Special Assistant Attorneys General
E. Wade Shows (7637)
Ronnie J. Berthelot (1012)
Shows, Cali & Berthelot
644 St. Ferdinand Street
Baton Rouge, LA 70821
(225) 346-1461

Certificate

I, Ronnie J. Berthelot, certify that I mailed a copy of the foregoing by U.S. Mail postage prepaid on the 30th day of November, 2000 to the following attorneys:

Leonard Cardenas III
John T. Joubert
6709 Perkins Road
Baton Rouge, LA 70808

/s/ Ronnie J. Berthelot
Ronnie J. Berthelot

NANCY LOCKETT AND RONNY LOCKETT, HUSBAND AND WIFE	NUMBER 462,218 DIVISION "D"
VERSUS	19TH JUDICIAL DISTRICT COURT
THE STATE OF LOUISIANA, DEPARTMENT OF TRANSPORTATION AND DEVELOPMENT	PARISH OF EAST BATON ROUGE
	STATE OF LOUISIANA

PLAINTIFFS' MOTION TO COMPEL AND ORDER

UPON MOTION of the plaintiffs, through undersigned counsel, to compel defendant DOTD to fully and completely respond to the Plaintiffs' Request for Admission No. 4, attached hereto and made a part hereof, to which DOTD has inappropriately and unlawfully objected, without admitting or denying that request, and for those reasons more fully shown in the attached Memorandum in Support hereof, and for all other relief allowed by law,

IT IS ORDERED that defendant DOTD show cause on the ___ day of _____, ___ why the Plaintiffs' Motion to Compel should not be granted as prayed for.

Signed this ___ day of _____, 2000.

JUDGE, 19TH JUDICIAL DISTRICT COURT

By Attorneys:

CARDENAS LAW FIRM

/s/ Leonard Cardenas III
LEONARD CARDENAS III,
LSBA NO. 18162
JOHN T. JOUBERT,
LSBA NO. 25121
HENRI M. SAUNDERS,
LSBA NO. 25236
6525 Perkins Road
Baton Rouge, LA 70808
Telephone: (225) 766-5464
Facsimile: (225) 766-5505

CERTIFICATE

I hereby certify that a copy of the above and foregoing has this date been mailed, postage prepaid, to all counsel of record.

Baton Rouge, Louisiana, this 4th day of December, 2000.

/s/ Leonard Cardenas III
LEONARD CARDENAS III

NANCY LOCKETT AND RONNY LOCKETT, HUSBAND AND WIFE

VERSUS

THE STATE OF LOUISIANA DEPARTMENT OF TRANSPORTATION AND DEVELOPMENT

NUMBER 462,218 DIVISION D

19th JUDICIAL DISTRICT COURT

EAST BATON ROUGE PARISH

STATE OF LOUISIANA

DOTD'S OBJECTION TO THE PLAINTIFFS' MOTION TO COMPEL

(Filed Jan. 4, 2001)

NOW INTO COURT, through undersigned counsel, comes the State of Louisiana, through the Department of Transportation and Development (DOTD), and objects to the plaintiffs' motion to compel served upon it on December 4, 2000 as follows:

1.

Plaintiffs served upon DOTD four requests for admissions of fact on December 4, 2000.

2.

DOTD timely responded to those requests as evidenced by its answer served upon plaintiffs' counsel on November 30, 2000.

3.

Plaintiffs' motion to compel only addressed DOTD's response to request for admission no. 4.

4.

DOTD objected to request for admission number 4 by stating that the request attempts to circumvent the Court's order concerning documents and things protected by 23 USC section 409.

5.

DOTD states that its objection is proper and lawful as allowed by Louisiana code of Civil Procedure article 1467 and 23 USC section 409.

THEREFORE, DOTD prays that the plaintiffs' motion to compel be dismissed at plaintiffs' [sic]

RICHARD P. IEYOUB
Attorney General
/s/ Ronnie J. Berthelot
E. Wade Shows, #7637
Ronnie J. Berthelot, #1012
Special Assistant Attorneys General
Shows, Cali & Berthelot, L.L.P.
644 St. Ferdinand Street
Baton Rouge, LA 70802
(225) 346-1461

Certificate

I, Ronnie J. Berthelot, certify that I mailed a copy of the foregoing by U.S. Mail postage prepaid on the 4th day of January, 2001 to the following attorney:

Leonard Cardenas III
John T. Joubert
6709 Perkins Road
Baton Rouge, LA 70808

/s/ Ronnie J. Berthelot
Ronnie J. Berthelot

NANCY LOCKETT AND RONNY LOCKETT, HUSBAND AND WIFE	**NUMBER: 462,218 DIVISION D**
VERSUS	**19TH JUDICIAL DISTRICT COURT**
THE STATE OF LOUISIANA, DEPARTMENT OF TRANSPORTATION AND DEVELOPMENT	**EAST BATON ROUGE PARISH**
	STATE OF LOUISIANA

STIPULATED JUDGMENT

(Filed Feb. 7, 2001)

Following this Court's February 5, 2001 ruling granting plaintiffs' Motion to Compel and ordering the State of Louisiana through the Department of Transportation and Development ("DOTD") to produce the documents listed on the Itemized List of Documents Contained in the File of Mayor Bobby Simpson, Mayor of Baker Concerning Highway 19, plaintiff's counsel has agreed that forms 1 through 7, 11, 13, 14, 15, 17, 25, 27, 40, 41, 45, 46, 47, 48, 49, 51, 52, 58, 59, 60 and 61 on the itemized list need not be produced.

IT IS HEREBY ORDERED that a Protective Order issue for items 1 through 7, 11, 13, 14, 15, 17, 25, 27, 40, 41, 45, 46, 47, 48, 49, 51, 52, 58, 59, 60 and 61 on the itemized list submitted by DOTD to this Court.

JUDGMENT SIGNED this 7th day of February, 2001 at Baton Rouge, Louisiana.

/s/ Janice Clark
Janice Clark, Judge
19th Judicial District Court,
Division D

Judgment prepared and submitted by:
RICHARD P. IEYOUB
Attorney General

/s/ Ronnie J. Berthelot
E. Wade Shows, La. Bar No. 7637
Ronnie J. Berthelot, La. Bar No. 1012
Special Assistant Attorneys General
SHOWS, CALI & BERTHELOT, L.L.P.
644 St. Ferdinand Street
Baton Rouge, LA 70802
Phone: (225) 346-1461 Fax: (225) 346-1467

Judgment approved by:

Leonard Cardenas, III, La Bar. No. 18162
6525 Perkins Road
Baton Rouge, LA 70808
Counsel for Plaintiffs
Phone: (225) 766-5464 Fax: (225) 766-5505

STATE OF LOUISIANA

COURT OF APPEAL, FIRST CIRCUIT

NANCY LOCKETT AND RONNY LOCKETT, HUSBAND AND WIFE

VERSUS

THE STATE OF LOUISIANA, DEPARTMENT OF TRANSPORTATION AND DEVELOPMENT

NO. 2001 CW 0318

Feb 23 2001

In Re: The State of Louisiana, Department of Transportation and Development, applying for expedited supervisory writs and motion for extension of stay, 19th Judicial District Court, Parish of East Baton Rouge, No. 462,218.

WRIT DENIED. This Court declines to exercise its supervisory jurisdiction.

BJC
FF

Weimer, J. concurs in part and dissents in part. I concur in part in the denial of the writ application, but I would grant the application in part to exclude the following items: **Item #8** – the February 12, 1998 letter from R. E. Dillon and the attached speed limit study dated June 25, 1997 which is subject to the stipulated protective order under Item #11; **Item #16** – the April 13, 1993 speed limit study which is subject to the stipulated protective order under Item #s 5, 13 and 27; **Item #18** – the entire item

including that portion subject to the stipulated protective order under Item #s 46 and 47; **Item #20** – the 9-26-94 letter from Jude W. P. Patin to Mayor Simpson; **Item #21** – the entire item; **Item #26** – the 9/26/94 letter from Jude W. P. Patin to Mayor Simpson; **Item #28** – the entire item; **Item #29** – the entire item; **Item #30** – the July 28, 1999 letter from Coan Bueche to Mayor Simpson; **Item #31** – the entire item; **Item #32** – the entire item; **Item #33** – the entire item; **Item #37** – the entire item; **Item #38** – the August 19, 1994 letter from Bobby R. Simpson to Jude Patin and the April 13, 1993 speed limit study which is subject to the stipulated protective order under Item #s 5, 13 and 27; **Item #43** – the entire item which is subject to the stipulated protective order under Item #25; and **Item #44** – the entire item.

COURT OF APPEAL, FIRST CIRCUIT

/s/ [Illegible]
DEPUTY CLERK OF COURT
FOR THE COURT

[LOGO]

Supreme Court
STATE OF LOUISIANA
New Orleans

PASCAL F. CALOGERO, JR.
CHIEF JUSTICE

301 LOYOLA AVENUE
NEW ORLEANS, LA 70112

JOHN TARLTON OLIVIER
CLERK OF COURT

TELEPHONE (504) 568-5707
HOME PAGE http://www.lasc.org
April 11, 2001

Ronnie Jude Berthelot Esq.
PO Drawer 4425
Baton Rouge, LA 70821

In RE: Lockett, Nancy etal [sic]
vs. Louisiana, State of etal [sic]
No: 2001-CC-0570

Dear Counsel:

This is to advise that the Court took the following action on the Motion For Stay Pending Application to The United States Supreme Court with regards to the above entitled matter:

"Motion denied."

With kindest regards, I remain,

Very truly yours,

John Tarlton Olivier
Clerk of Court

/s/ Katherine A. Fontana
By: Katherine A. Fontana
Deputy Clerk of Court

KAF:rtd

ccs: Edmond Wade Shows Esq.
Hon. Janice Clark
Leonard Cardenas III, Esq.

Court of Appeal, First Circuit, Number 2001 CW 0318
19th Judicial District Court Div. "D" Number 462,218

The Supreme Court of the State of Louisiana

NANCY LOCKETT AND RONNY LOCKETT, HUSBAND AND WIFE

VS. NO. 2001-CC-0570

THE STATE OF LOUISIANA, DEPARTMENT OF TRANSPORTATION AND DEVELOPMENT

IN RE: Louisiana, State of etal [sic]; Department of Transportatiion [sic] & Development; DOTD; – Defendant(s); Applying for Supervisory and/or Remedial Writs, Parish of E. Baton Rouge, 19th Judicial District Court Div. D, Nos. 462,218; to the Court of Appeal, First Circuit, No. 2001 CW 0318

March 23, 2001

Writ denied. Stay denied.

BJJ
PFC
CDK
JPV
CDT
JTK

Supreme Court of Louisiana
March 23, 2001

/s/ Illegible
Deputy
Clerk of Court
For the Court

[One manila file folder labeled "Speed Limit Highway 19" containing handwritten notes on the inside left portion referencing DOTD personnel and "plans."]

[Denton

1) Hi19 – Schiro

2) Speed Limit –

3) Manhattan @ 19th & Coolidge @ 19

DOTD – H:19 project
Mike Schiro

7/19/99 DOTD Mtg – Kent Israel
Ron Carter
Bob Boanio
Coan Bueche

Groom – At City-Man hr & Fee
Final Plans since March.
Reg. for in for May & June.
"Waiting on title work"
consultants – shred Kurkendahl
Hold-up – Groom Rd Turn lane on to 964

964 Plans done.

Hi 19 – 5th Lane – No study being done.
Coan & Charlie & Jim Joffrion]

[LOGO]

CAPITAL REGION
PLANNING COMMISSION

[Names And Address Omitted In Printing]

December 16, 1999

Dr. Kam Movassaghi, Ph.D., P.E.
Secretary, DOTD
P. O. Box 94245
Baton Rouge, LA 70804-9245

RE: LA 19 IMPROVEMENTS IN BAKER

Dear Dr. Movassaghi:

Recently CRPC entered into a contract with Mr. Allen Krouse to investigate the feasibility of construction a continuous turn lane on LA 19 through the urban limits of Baker. This section of roadway has experienced a very high rate of accidents and is listed by DOTD as having abnormal crash locations. This problem has been studied since 1987, with repeated conclusions of needed improvements.

I have attached a copy of Mr. Krouse's report, which concludes that LA 19 could be widened to construct a fourteen foot turn lane within the existing right-of-way. The limits of the project would be from Lavey Lane on the south to Twin Oaks on the north. This is a distance of approximately two miles. The cost would be approximately $3 million. Mr. Gordon Nelson, District 61 Administrator, is in agreement with the need for this improvement. The project would be constructed using STP Hazard Elimination funds.

Because of his knowledge of the project and the need to act expeditiously, we are requesting that DOTD consider a sole source selection of Mr. Krouse to prepare plans for this project. I have also attached a copy of Mr. Krouse's estimate for preparing the plans.

I am writing this request as a result of action by the Baton Rouge MPO Policy Committee. The action of the Policy Committee included concurrence from Mr. Gordon Nelson.

Please feel free to contact me if you have any questions or need any additional information, and thank you for the time and attention you are giving this matter.

Sincerely,

/s/ Huey P. Dugas
Huey P. Dugas

HPD/hd

Attachments (2)

c: ✓ Bobby Simpson, Mayor of Baker
Tom Ed McHugh, Mayor-President of Baton Rouge, MPO Chairman
Gordon Nelson, DOTD, District 61 Administrator
Coan Bueche, DOTD, Asst. Secretary for Planning and Programming
Eric Kalivoda, DOTD, Deputy Asst. Secretary, Office of Planning and Programming
James Joffrion, DOTD, Safety and Congestion Engineer
Allen Krouse, P.E., Consulting Engineer
Don Neisler, Director, CRPC

[Handwritten Notation on Letter – File 8-1 Speed Limit Hi 19]

[LOGO]

CAPITAL REGION
PLANNING COMMISSION

[Names And Address Omitted In Printing]

January 25, 2000

Dr. Kam Movassaghi, Ph.D., P.E.
Secretary, DOTD
P. O. Box 94245
Baton Rouge, LA 70804-9245

RE: DESIGN STANDARDS FOR LA 19 IMPROVEMENTS IN BAKER

Dear Dr. Movassaghi:

I am in receipt of your letter regarding the above captioned project, and my request for the Department of Transportation and Development (DOTD) to consider a non-competitive selection of Mr. Allen Krouse to conduct engineering design services. Since it will not be possible for DOTD to advertise and select on a non-competitive basis, Mr. Fred Raiford of the Baton Rouge Department of Public Works will engage Mr. Krouse to perform engineering design services on this project for an amount not to exceed $50,000. Mr. Raiford has also committed to having the project designed to DOTD design standards.

Please advise us of your concurrence to construct the LA 19 improvements based on this condition.

Should you have any questions or need any additional information, please contact me.

Sincerely,

/s/ Huey P. Dugas
Huey P. Dugas

[Handwritten Notation On Letter – File 8-1 Speed Limit Hi 19]

[LOGO] [LOGO]

STATE OF LOUISIANA
DEPARTMENT OF TRANSPORTATION AND DEVELOPMENT

[Names And Address Omitted In Printing]

January 11, 2000

[Post-It Fax Note – To Mayor Simpson From Huey Co. CRPC]

Mr. Huey Dugas
Chief of Planning
Capital Region Planning Commission
333 North 19th Street
Baton Rouge, Louisiana 70821-3355

Re: LA 19 Improvements in Baker

Dear Mr. Dugas:

Reference is made to your recent letter requesting the Department of Transportation and Development (DOTD), to consider a non-competitive selection of Mr. Allen Krouse for Engineering services on the captioned project. In this regard, the Federal Highway Administration requires the Department, except in special circumstances, to advertise and select the Consulting Engineers. State La, however, does allow local entitles supplying matching funds to make a non-binding recommendation to the DOTD Secretary of any firm included in the shortlist.

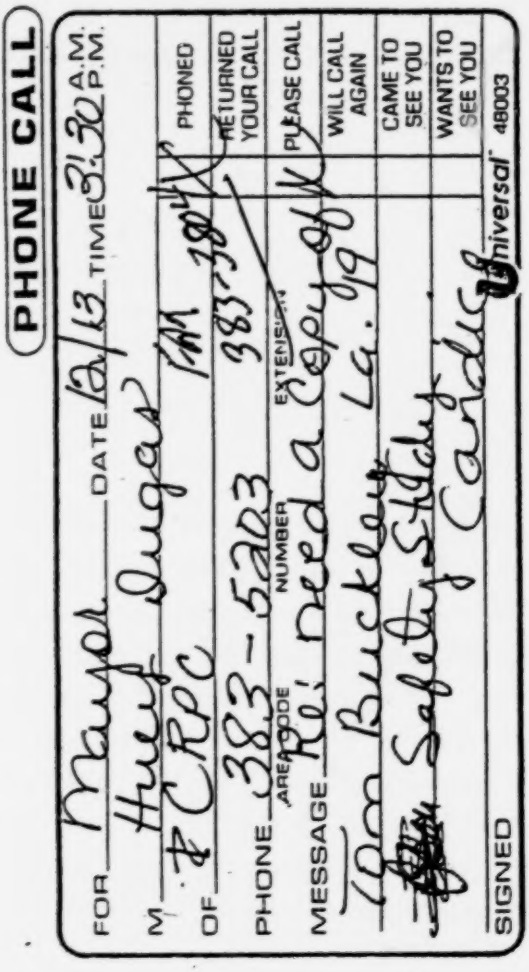
Should you have any questions or need additional information, please feel free to call me or Mr. Robert E.

Boagni, Project Development Division Chief, at (225) 379-1304.

Sincerely,

/s/ Kam K. Movassaghi
Kam K. Movassaghi, Ph.D., P.E.
Secretary

[Telephone message for Mayor Bobby Simpson from Huey Dugas of CRPC dated 12/13/99? referencing a copy of a "safety study by Tom Buckley"; attached to this phone message are (a) fax cover sheet from Bobby Simpson to Huey Dugas; (b) letter dated 4/13/93 entitled "Speed Limit Study" authored by Thomas Buckley of DOTD and (c) an ending fax sheet.]



PHONE CALL

FOR Mayor DATE 12/13 TIME 3:30 A.M. P.M.

M Huey Dugas

OF CRPC

PHONE 383-5203 EXTENSION

AREA CODE NUMBER

MESSAGE Re: need a copy of Tom Buckley Study Saftey Study Re: Speed Limit Study

PHONED
RETURNED YOUR CALL
PLEASE CALL
WILL CALL AGAIN
CAME TO SEE YOU
WANTS TO SEE YOU

SIGNED

Universal 48003

[LOGO]

City of Baker
"Great American Hometown"

OFFICE OF THE MAYOR
Bobby R. Simpson

FAX COVER SHEET

Date: 12/13/99
Time: 4/12

Please Deliver To: Huey Dugas
Company: CRPC
Fax Number: 383-3804

From: Bobby Simpson

City of Baker Mayor's Office
Telephone Number (225) 778-0300
Fax Number (225) 775-5598

We are transmitting 5 page(s) including this cover sheet. If this transmission is not complete, please call.

Comments:_____

_____

STATE OF LOUISIANA
DEPARTMENT OF TRANSPORTATION
AND DEVELOPMENT

[LOGO] [LOGO]

[Names And Address Omitted In Printing]

April 13, 1993

Speed Limit Study
La 19 (within the City Limits of Baker)
Control 250 Section 1
City of Baker
East Baton Rouge Parish
District 61

This report is submitted in response to requests received from Mayor Bobby Simpson and Chief of Police Sid J. Gautreaux, III, of the City of Baker, P. O. Box 707, Baker, Louisiana 70704, that the speed limit on La 19 within the City of Baker be reduced form 45 to 35 miles per hour.

On May 13, 1987 the Department received a request from Mayor N.E. "Pete" Heine that a uniform speed limit be established on La 19 through the City of Baker. At that time the speed limit on La 19 was 45 miles per hour from its intersection with the South Canal Bridge(N. Corp. Limit) on the north end of town to its intersection with Twin Oaks Dr. From Twin Oaks Dr. south to Coolidge St. the speed limit was 35 miles per hour. Finally from Coolidge St. to the south corporate limits at La 3006(Lavey Ln) the speed limit was 45 miles per hour.

The results of the five speed studies taken in conjunction with a report that responded to the Mayor's request did not show a need to lower the existing 45 mile per hour speed limit on the sections of road at the north and

south corporate limits of Baker to 35 miles per hour. The 85th percentile speeds from the five studies were 58, 52, 44, 46 and 50 miles per hour. Rather than lower the speed limit the report indicated a need to provide strict enforcement of the existing speed limits as a great percent of the vehicles surveyed were exceeding both the posted 35 and 45 mile per hour limits.

On June 25, 1987 the Department through Chief Engineer Roy Mitchell again received a request from Mayor Heine that uniform speed limit be established on La 19 through the City of Baker. Mayor Heine stated that either a 45 mile per hour or a 35 mile per hour speed limit was acceptable to him.

In response to Mayor Heine's request a uniform 45 mile per hour speed limit was established on La 19 through the City of Baker. This speed limit closely paralleled the 85 percentile speeds shown in the studies.

La 19 is a bituminous concrete surface, 44 foot wide 4 lane undivided principal arterial highway extending in a north and south direction at the requested study location. A curb and gutter section is provided adjacent to the roadway. La 19 from Twin Oaks to the north toward Zachary was recently reconstructed to provide a 4 lane section.

The area adjacent to the west side of the roadway is undeveloped as tracks for the Illinois Central Gulf Railroad are in place just west of the roadway. The area on the east side of the roadway from the north corporate limits at South Canal Bridge to Twin Oaks Dr. is largely undeveloped while the area on the east side of the roadway from Twin Oaks Dr. to Coolidge Dr. is primarily

commercial. The area on the east side of the roadway from Coolidge Dr. to La 3006(Lavey Lane) at the south corporate limits is mostly undeveloped except for the shopping center located in the northeast quadrant of the intersection of La 19 with La 3006.

The alignment of La 19 in the study area is tangent with sight distance generally considered good. The terrain adjacent to the highway is relatively flat. Parking is provided in lots at the commercial establishments.

The pavement of La 19 is striped with standard four lane undivided pavement markings. There are four traffic signals on La 19 in the study area.

Traffic volumes were reviewed and the 1990 Average Daily Traffic was found to be approximately 25,000 vehicles per day on the section of road under study.

Accident data was examined for La 19 from Singletary Dr. to Lavey Lane for the year 1991. During this time period there was a total of 154 accidents that occurred on this 1.73 mile section of road. Eight-nine of the accidents were rear end accidents, 44 of the accidents were right angle accidents, 18 of the accidents were sideswipe accidents, two of the accidents were head on accidents and one of the accidents was a run off the road accident. One Hundred and Eighteen of the 154 accidents occurred at intersections while 36 of the accidents were non-intersectional accidents.

In 1989 spot speed studies were obtained using radar for the vehicles on the highway on La 19 at five selected locations. The speed ranged from 69 miles per hour to 30 miles per hour. The 85 percentile speeds were found to be

57, 52, 47, 45, and 51 miles per hour while the 50 percentile speeds were 51, 45, 42, 40 and 46 miles per hour. All of these speeds were almost identical to the speeds that were obtained when the posted speed limit was 35 miles per hour.

Approximately 34 per cent of the vehicles surveyed on La 19 between Singletary Dr. and Lavey Lane were exceeding the posted 45 mile per hour speed limit. If the speed limit were to be lowered to 35 miles per hour in this section approximately 81 per cent of the vehicles would be exceeding the speed limit.

Speed limits are generally set at the 85 percentile speed. In general, speed limits higher than the 85 percentile are not considered reasonable and safe and speed limits below the 85 percentile do not facilitate the orderly movement of traffic, cannot be enforced effectively and are not voluntarily observed by motorists. Speed limits established on the basis of the 85 percentile speed conform to the consensus of those who drive the highway as to what speed is reasonable and safe, and are not dependent on the judgement of one or a few individuals.

Accordingly, after a review of the above data it is recommended that the existing 45 mile per hour speed limit not be lowered. It is recommended though that the exceeding speed limits be strictly enforced.

A five lane section was recommended for La 19 several years ago as a safety project but this improvement was deleted from the program. It is still felt that this measure should be implemented as it would impact many of the types of accidents that are presently occurring on La 19.

/s/ Thomas J. Buckley
4/13/93

TJB:ga
4-13-93

HP OfficeJet
Personal Printer/Fax/
Copier/Scanner

Fax History Report for
mayor sec.
775-5598
Dec-13-99 5:31 pm

Last Fax

Date	Time	Type	Identification
Dec 13	5:28 pm	Sent	3833804

Duration	Pages	Result
3:08	5	OK

[LOGO] City of Baker
"Great American Hometown"

ADMINISTRATIVE ASSISTANT
TO THE MAYOR

July 21, 1999

Assistant Secretary Office Of Planning and Programing
Coan Bueche
P.O. Box 94245 Rm# 234
Baton Rouge, La. 70804

Re: Highway 19 Fifth Lane

Dear Mr. Bueche,

Please inform me of the time frame for the study of the above reference project. Also if there is something you need me to do, please call.

Sincerely,

/s/ Bobby Simpson
Bobby Simpson, Mayor
City of Baker

cc: Huey Dugas, CRPC

[Letter dated 7/27/98 from Bobby Simpson to Secretary Frank Denton of DOTD referencing newspaper article concerning the death of Katy Lockett; attached to this letter are the following: (a) a copy of the newspaper article; (b) a letter dated 7/15/98 from Mayor Bobby Simpson to Don Neisler of CRPC; (c) letter dated 2/12/98 from R.E. Dillon, Jr. P.E. of DOTD referencing the speed limit on Highway 19; (d) letter dated 6/25/97 from Ronald D. Carter of DOTD referencing speed limit, bi-directional left turn lane study with schematic diagrams.]

[LOGO]

City of Baker
"Great American Hometown"

OFFICE OF THE MAYOR
Bobby R. Simpson

July 27, 1998

Secretary Frank Denton
DOTD
P. O. Box 94245
Baton Rouge, Louisiana 70804-9245

Dear Secretary Denton,

I have enclosed for you a copy of a recent newspaper article involving a tragic accident on Highway 19 in Baker. I have also enclosed a copy of a recent letter to Mr. Don Neisler, Executive Director of the Capital Region Planning Commission, and a recent letter from your staff regarding a fifth lane on this section of Highway 19.

We are requesting that a study be commissioned examining the feasibility of constructing a fifth lane on Highway 19 throughout the city limits of Baker. A study done by CRPC in August of 1996 showed there to be traffic counts

in excess of 20,000 cars per day. Since that time, we have added a motel and a major commercial establishment to our business district that will require more turns off of the highway.

We would appreciate any help that you may be able to give us concerning this problem. Should you need any additional information, please do not hesitate to call.

Sincerely,

/s/ Bobby Simpson
Bobby R. Simpson
Mayor

encl. Advocate Article
Don Neisler Letter
DOTD Letter

[cc: Omitted In Printing]

❑ The advocate, Baton Rouge, La.
❑ Tuesday, July 21, 1998 5B

CRASH INJURIES FATAL TO HONOR GRADUATE

By JAMES MINTON
Baker-Zachary bureau

BAKER – A 1998 honor graduate of Zachary High School died Sunday of injuries she sustained in a two-vehicle collision Saturday at Baker's most dangerous intersection, Police Chief Sid Gautreaux said.

Funeral services are set for 11 a.m. Wednesday at First Baptist Church, Zachary, for Katy Marie Lockett, 18,

the salutatorian of this year's senior class and an employee of Bank of Zachary.

Lockett was a former treasurer of her school's Fellowship of Christian Athletes chapter, National Honor Society vice president and a member of the quiz Bowl, cross-country team and Muskma.

She received an LSU Alumni Top 100 Scholarship, Chancellor's Aid Scholarship and Faye Chrismond Lindsey Scholarship during the school's June 5 graduation ceremonies.

She is survived by her parents, Ronny and Nancy Lockett; a brother, Jeremy Lockett; grandmother, Zelta Lockett; and two cousins.

Gautreaux said the collision between a pickup truck and the car in which Lockett was a passenger occurred about 4:30 p.m. Saturday at La. 19 and Groom Road.

The police chief said a car driven by Miranda Britt, 17, 3819 Main St., Zachary, was hit broadside on the passenger side by a southbound pickup truck as Britt attempted to turn left, or west, onto Groom Road.

Gautreaux said Britt, who had been stopped in the inside northbound lane of La. 19, apparently did not see the oncoming pickup in the outside lane because another oncoming car was stopped to turn east on Groom Road.

Britt suffered minor injuries in the crash, but her 15-year-old brother, Russ, in the back seat of the 1989 Mazda, suffered severe injuries.

Gautreaux said the pickup's driver, Michael Earnheart, 45, 9340 Darcy Ave., Baton Rouge, and his 11-year-old son, Brad, were not injured in the crash.

All occupants of both vehicles were using their seat belts, he added.

"The majority of the wrecks on (La.) 19 are at this intersection when people are trying to make left turns. Most of the time their vision is blocked," Gautreaux said.

Gautreaux said Baker has been asking for turn lanes on the state highway for years.

The accident remained under investigation Monday, and no citations had been issued, the police chief said.

Mayor Bobby Simpson said turning lanes are planned for the Groom Road - La. 19 intersection as part of a joint project of the city-parish and state Department of Transportation and Development to upgrade Groom Road west of La. 19 to the same standards as its eastern section.

City-parish engineers are reviewing the plans, and officials hope to begin acquiring rights of way this year for construction to begin next year.

The project, however, is on a "hit list" of federally-funded highway projects that will be scratched because of the area's failure to meet ozone emission standards, Simpson said.

"I'm hoping that we can get the project under way, because if it's started when the sanctions take effect, they have to finish it," the mayor said.

A DOTD spokeswoman said turning lanes also will be added in planned improvements at the intersection of

Lavey Lane and La. 19, but no plans are on the drawing board to widen La. 19 for a fifth lane through its entire length in Baker.

Simpson said he sent a letter last week to the Capital Region Planning Commission asking that a fifth lane project for La. 19 be included in a new round of federal highway funding for local projects.

[LOGO]
City of Baker
"Great American Hometown"

OFFICE OF THE MAYOR
Bobby R. Simpson

[Handwritten Notation On Letter – cc. Charles Higgens; Mailed Don Neisler 7-15-98 /s/ NH]

July 15, 1998

Mr. Don Neisler, Executive Director
Capital Regional Planning Commission
P.O. Box 3355
Baton Rouge, Louisiana 70821

Dear Don,

With the added funding that we have received from TEA21, I respectfully request that we add the Highway 19 fifth lane project into the current TIP. This project is critical to the continued development of the north end of East Baton Rouge Parish and the City of Baker, in particular.

With an ever increasing business district and a traffic count in excess of 25,000 cars daily, this is a project that is

sorely needed. Should you have any questions or need further information, please do not hesitate to call.

Sincerely,

/s/ Bobby Simpson
Bobby R. Simpson,
Mayor

BRS/jm

[cc: Omitted in Printing]

[Handwritten Notation On Letter –
File 8:1 speed limit Hi 19]

[LOGO] [LOGO]

STATE OF LOUISIANA
DEPARTMENT OF TRANSPORTATION
AND DEVELOPMENT

[Names and Address Omitted In Printing]

February 12, 1998

Ms. Marysue Stages, CPA
Baker Chamber of Commerce
3439 Groom Road
Baker, Louisiana 70714

Dear Ms. Stages:

This is in response to your letter, concerning the speed limit revision on LA 19 (Main Street) within the corporate limits of Baker.

I have received a report from our District Traffic Operations Engineer advising of a speed limit survey conducted along this section of highway. A copy of the

report is enclosed for your information and further reference. The report states that vehicle speeds and other conditions found by the survey failed to reveal a sufficient justification for reducing the speed limit.

Based on these considerations, the report recommends against the reduction in the posted speed limit. Therefore, I regret that we are unable to authorize such a change at this time.

With best regards, I remain

Very truly yours,

/s/ R. E. Dillon, Jr.
R. E. DILLON, JR., P.E.
DOTD CHIEF ENGINEER

PAA/lh
Enclosure

[cc: Omitted in Printing]

[LOGO] [LOGO]

STATE OF LOUISIANA
DEPARTMENT OF TRANSPORTATION
AND DEVELOPMENT

[Names And Address Omitted In Printing]

June 25, 1997

SPEED LIMIT & BI-DIRECTIONAL LEFT-TURN LANE STUDY
La 19 (Main Street)
(within Corporate Limits)
Control 250 Section 01
City of Baker
East Baton Rouge Parish
District 61
17-97-110

This report is submitted in response to a request from Ms. Marysue Stages, of the Baker Chamber of Commerce, 3439 Groom Road, Baker, La 70714, for a 35 mph speed zone and a bi-directional left-turn lane on la 19 (Main Street) within the corporate limits of Baker. A prior request was also made by Mayor Bobby Simpson for a reduced speed limit at this location. A field inspection was made on June 20, 1997 and the following observations and evaluation were made.

GEOMETRY/ROADWAY: La 19 is a concrete surfaced, 44' wide, 4-lane, principal arterial highway, parallel by curb, that is aligned in a predominantly north-south direction. The alignment of La 19 is tangent with slight shifts in alignment near the corporate limits at each end of town, where La 19 shifts eastward away from the ICRR track. The study section within the corporate limits is approximately 2.6 miles long.

TERRAIN AND DEVELOPMENT: The terrain adjacent to La 19 is flat except for the railroad embankment on the west side. Development on the east side of La 19 is commercial, including fast food and other restaurants, shopping centers, and service stations. The west side of La 19 is landscaped with flowers and other beautification plantings, and lined with numerous large steel power poles. The track is offset about 45' west of La 19, on an embankment that is approximately 4' higher than La 19. This creates a steep downgrade at the various side streets that intersect La 19 from the west. The development west of La 19 is west of the track and is primarily residential with some commercial. Numerous wooden utility poles parallel La 19 on the east side, offset approximately 10-15'.

PAVEMENT CONDITION & TRAFFIC CONTROL: The pavement for this section of road is in fair condition. Striping consists of white edge lines, lane divider lines and a double-yellow centerline. Traffic control is provided by stop signs at some side street locations and signals at the major intersections of Lavey Lane, Ray Weiland, Groom Road, and Baker Boulevard. Pedestrian crossings are located at Groom Road, Ray Weiland and Lavey Lane, with pedestrian advance warning signs for both northbound and southbound traffic approaching Groom Road.

SPEED LIMIT: The existing speed limit of 45 mph is adequately posted in both directions along La 19. In driving this area, the posted speed was a comfortable driving speed throughout the section, and seemed consistent with the flow of traffic at the time, as well as the measured speeds in the speed study.

SPEED STUDY: Spot speed studies were obtained on La 19 on March 10, 1997 and June 25, 1997 at the following locations respectively: 1) Singletary Drive, 2) south of Van Buren Avenue. The following speed data was collected at each of these locations.

Location	Speed Range	85th %ile	50th %ile	10 mph pace	Ave Speed
1	35-60 mph	55 mph	50 mph	43-52 mph	49.2 mph
2	34-66 mph	54 mph	49 mph	42-51 mph	48.1 mph

CRITERIA: Speed limits are generally set at the 85th percentile speed. Generally, speed limits higher than the 85th percentile are not considered reasonable and safe, and speed limits below the 85th percentile do not facilitate the orderly movement of traffic; cannot be enforced effectively; and are not voluntarily observed by motorists. Speed limits established on the basis of the 85th percentile speed conform to the consensus of those who drive the highway as to what speed is reasonable and safe, and are not dependent on the judgment of one or a few individuals. Additionally, as a general rule, the posted speed is not set below the upper limit of the 10mph pace speed.

ACCIDENT DATA/TRAFFIC VOLUMES: Accident data was examined for this section (MP 3.7-6.3) for the years 1993-1995. This section does not appear on the abnormal accident listing. The following is a summary of non-intersection accidents for each year:

Year	Total	R-end	Rt-Angle	L-Turn	S-Swipe/Hd-On	Run-off-Rd
1993	38	29	4	2	2	1
1994	50	30	8	5	7	0
1995	55	36	5	8	1	0

The 1994 ADT for this section is about 21,000 vpd. The number of non-intersection accidents occurring in this 2.6 mile section during the last 12 months of record is 55 accidents, yielding an accident rate of 2.76 accidents/million vehicle miles traveled. The 1995 districtwide average rate for 4-lane urban roadway is 1.68 acc/mvm. The large percentage of rear-end accidents is likely attributed to left turns along La 19, and the above data suggests that the accident rate may be increasing steadily.

BI-DIRECTIONAL LEFT-TURN LANE: It is apparent from examining the above accident data that a bi-directional left-turn lane along La 19, which would serve primarily southbound traffic and northbound left-turns at the intersections, would likely be effective in reducing the rear-end and left-turn accident rate. It is also noted, however, that the grade differential between LA 19 and the ICRR track is significant, and that the downgrades for the eastbound approach side street crossings are already steep. Since any widening to the west side of La 19 would exacerbate the steep grades between the railroad crossing and La 19, the addition of a 5th lane along La 19 may require that all or most of the widening be to the east side of La 19. It is noted, however, that this is the side that is heavily developed, and right-of-way would likely be required and some business may be forced to relocate.

RECOMMENDATIONS:

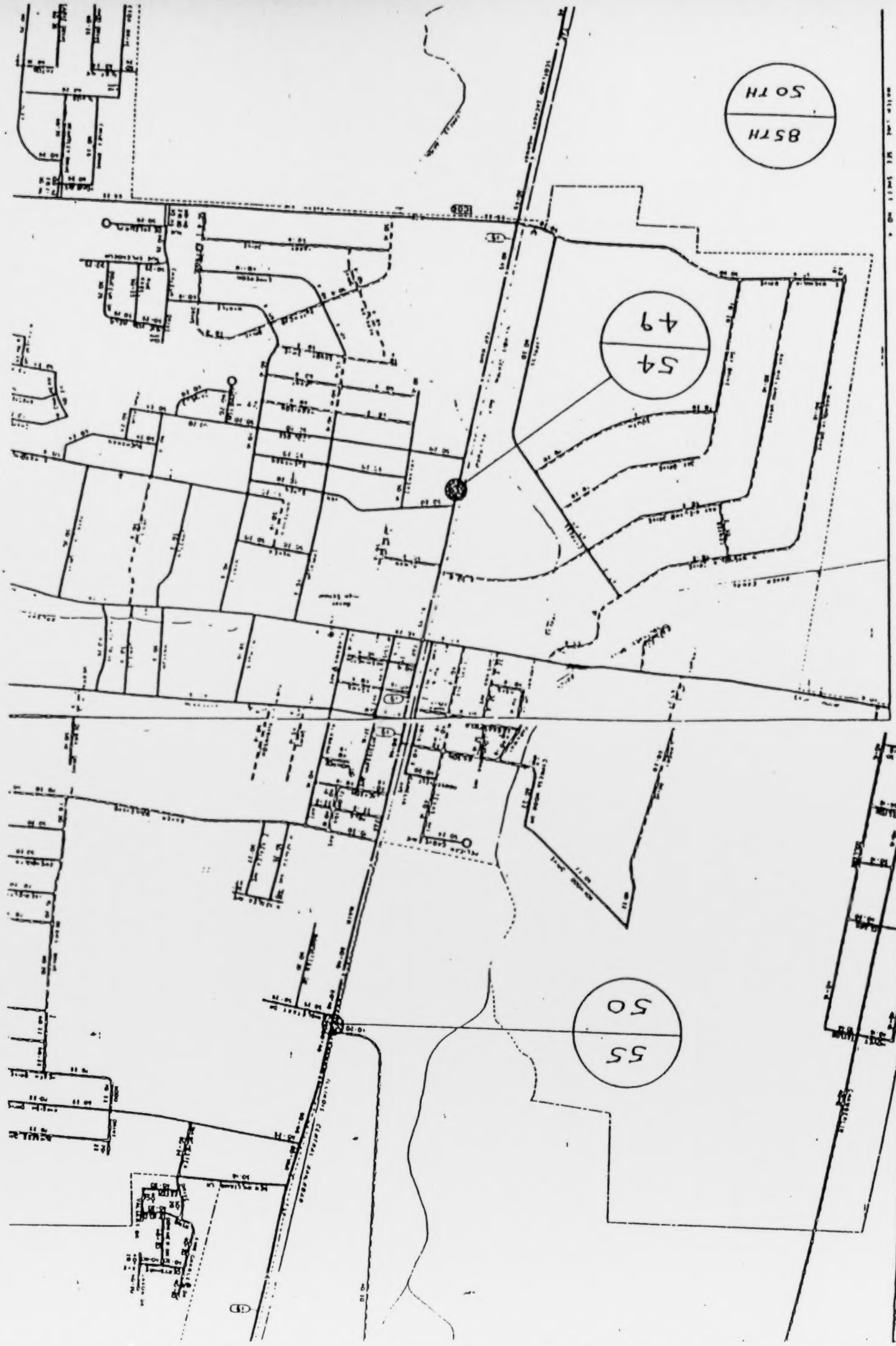
1. Since the measured speeds in this roadway section militate against a speed zone, and since the accident rate is not abnormal, a 35 mph speed zone is not warranted at this location. Accordingly, it is recommended that the request for a 35 mph speed zone be denied.

2. Since there is a heavy incidence of rear-end accidents along La 19, it is recommended that the Geometric and/or Road Design Sections study the feasibility of constructing a bi-directional left-turn lane on La 19 through Baker.

RDC:rdc

[LOGO]
/s/ Ronald D. Carter
6/25/97

BEST AVAILABLE COPY


85TH
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[LOGO] **City of Baker** OFFICE OF THE MAYOR
"Great American Hometown" Bobby R. Simpson

[Handwritten Notation On Letter –
cc. Clarks Higgens;
Mailed Don Neisler 7-15-98 /s/ JM]

July 15, 1998

Mr. Don Neisler, Executive Director
Capital Regional Planning Commission
P.O. Box 3355
Baton Rouge, Louisiana 70821

Dear Don,

With the added funding that we have received from TEA21, I respectfully request that we add the Highway 19 fifth lane project into the current TIP. This project is critical to the continued development of the north end of East Baton Rouge Parish and the City of Baker, in particular.

With an increasing business district and a traffic count in excess of 25,000 cars daily, this is a project that is sorely needed. Should you have any questions or need further information, please do not hesitate to call.

Sincerely,

/s/ Bobby Simpson
Bobby R. Simpson,
Mayor

BRS/jm

[cc: Omitted In Printing]

Office of the Mayor
Bobby R. Simpson

7/14/98

To: Julie Mc.
From: Mayor

Please type the following letter:

Don Neisler, CRPC

Dear Don,

With the added funding that we have received from TEA21, I respectfully request that we add the Highway 19 fifth lane project into the current TIP. This project is critical to the continued development of the north end of East Baton Rouge Parish and the city of Baker, in particular.

With an increasing business district and a traffic count in excess of 25,000 cars daily, this is a project that is sorely needed. Should you have any questions or need further information, please do not hesitate to call.

Sincerely,

/s/ BS
Bobby Simpson, Mayor

cc: Charles Higgins, Julie, get address from Don

[LOGO] **City of Baker** OFFICE OF THE MAYOR
"Great American Hometown" Bobby R. Simpson

[Handwritten Notation On Letter –
Sent to Emily Patterson
9/12/96 /s/ JM]

August 19, 1994

General Jude Patin, Secretary
Department of Transportation & Development
P.O. Box 94245
Baton Rouge, La. 70804-9245

Dear General Patin,

First of all let me say thank you for our meeting yesterday. I believe it was an informative and productive meeting in [sic] which the city of Baker will reap benefits for years to come.

Please allow this letter to stand as a request for your department's assistance in getting a fifth lane on Highway 19 through Baker into the State's Transportation System Program. I am also writing Senator Landry and Representative Jetson of the Transportation Committee as well as my local state delegation. As mentioned in the accompanying letter your office has recommended a fifth lane in Baker for quite some time. Since this recommendation, the business district has grown significantly and will continue to grow with the opening of a 100 room hotel and a major truck stop in the near future. We would appreciate any assistance your office can provide in seeing this project come to past [sic].

Also, on Highway 19, I would like to request that if possible, we lower the speed limit to 35 m.p.h. along as much of it as possible within our city.

I would like to thank you for the approval and beginning of the Groom Road Project from Highway 19 to Highway 964. This is a project that has been discussed for many years and will be of tremendous benefit to the residents of our area. I will contact the engineers and discuss the scope of the project per your suggestion.

Again, General, I appreciate you taking your time to discuss these projects. If there are additional suggestions or information needed, please do not hesitate to call.

Sincerely,

/s/ Bobby R. Simpson
Bobby R. Simpson,
Mayor

BRS/jm

Encl.

[cc: Omitted In Printing]

STATE OF LOUISIANA
DEPARTMENT OF TRANSPORTATION
AND DEVELOPMENT

[LOGO] [LOGO]

[Names And Address Omitted In Printing]

April 13, 1993

Speed Limit Study
La 19 (within the City Limits of Baker)
Control 250 Section 1
City of Baker
East Baton Rouge Parish
District 61

This report is submitted in response to requests received from Mayor Bobby Simpson and Chief of Police Sid J. Gautreaux, III, of the City of Baker, P. O. Box 707, Baker, Louisiana 70704, that the speed limit on La 19 within the City of Baker be reduced from 45 to 35 miles per hour.

On May 13, 1987 the Department received a request from Mayor N.E. "Pete" Heine that a uniform speed limit be established on La 19 through the City of Baker. At that time the speed limit on La 19 was 45 miles per hour from its intersection with the South Canal Bridge (N. Corp. Limit) on the north end of town to its intersection with Twin Oaks Dr. From Twin Oaks Dr. south to Coolidge St. the speed limit was 35 miles per hour. Finally from Coolidge St. to the south corporate limits at La 3006 (Lavey Ln) the speed limit was 45 miles per hour.

The results of the five speed studies taken in conjunction with a report that responded to the Mayor's request did not show a need to lower the existing 45 mile per

hour speed limit on the sections of road at the north and south corporate limits of Baker to 35 miles per hour. The 85th percentile speeds from the five studies were 58, 52, 44, 46 and 50 miles per hour. Rather than lower the speed limit the report indicated a need to provide strict enforcement of the existing speed limits as a great percent of the vehicles surveyed were exceeding both the posted 35 and 45 mile per hour limits.

On June 25, 1987 the Department through Chief Engineer Roy Mitchell again received a request from Mayor Heine that a uniform speed limit be established on La 19 through the City of Baker. Mayor Heine stated that either a 45 mile per hour or a 35 mile per hour speed limit was acceptable to him.

In response to Mayor Heine's request a uniform 45 mile per hour speed limit was established on La 19 through the City of Baker. This speed limit closely paralleled the 85 percentile speeds shown in the studies.

La 19 is a bituminous concrete surfaced, 44 foot wide 4 lane undivided principal arterial highway extending in a north and south direction at the requested study location. A curb and gutter section is provided adjacent to the roadway. La 19 from Twin Oaks to the north toward Zachary was recently reconstructed to provide a 4 lane section.

The area adjacent to the west side of the roadway is undeveloped as tracks for the Illinois Central Gulf Railroad are in place just west of the roadway. The area on the east side of the roadway from the north corporate limits at South Canal Bridge to Twin Oaks Dr. is largely

undeveloped while the area on the east side of the roadway from Twin Oaks Dr. to Coolidge Dr. is primarily commercial. The area on the east side of the roadway from Coolidge Dr. to La 3006 (Lavey Lane) at the south corporate limits is mostly undeveloped except for the shopping center located in the northeast quadrant of the intersection of La 19 with La 3006.

The alignment of La 19 in the study area is tangent with sight distance generally considered good. The terrain adjacent to the highway is relatively flat. Parking is provided in lots at the commercial establishments.

The pavement of La 19 is striped with standard four lane undivided pavement markings. There are four traffic signals on La 19 in the study area.

Traffic volumes were reviewed and the 1990 Average Daily Traffic was found to be approximately 25,000 vehicles per day on the section of road under study.

Accident data was examined for La 19 from Singletary Dr. to Lavey Lane for the year 1991. During this time period there was a total of 154 accidents that occurred on this 1.73 mile section of road. Eight-nine of the accidents were rear end accidents, 44 of the accidents were right angle accidents, 18 of the accidents were sideswipe accidents, two of the accidents were head on accidents and one of the accidents was a run off the road accident. One Hundred and Eighteen of the 154 accidents occurred at intersections while 36 of the accidents were non-intersectional accidents.

In 1989 spot speed studies were obtained using radar for the vehicles on the highway on La 19 at five selected

locations. The speed ranged from 69 miles per hour to 30 miles per hour. The 85 percentile speeds were found to be 57, 52, 47, 45, and 51 miles per hour while the 50 percentile speeds were 51, 45, 42, 40 and 46 miles per hour. All of these speeds were almost identical to the speeds that were obtained when the posted speed limit was 35 miles per hour.

Spot speed studies were again obtained on La 19 on April 12, 1993 for five selected locations. The speed ranged from 69 miles per hour to 25 miles per hour. The 85 percentile speeds were found to be 61, 52, 47, 51, and 57 miles per hour while the 50 percentile speeds were 53, 46, 40, 44 and 51 miles per hour. Again almost all of these speeds were identical to the speeds that were obtained when the posted speed limit was 35 miles per hour.

Approximately 34 per cent of the vehicles surveyed on La 19 between Singletary Dr. and Lavey Lane were exceeding the posted 45 mile per hour speed limit. If the speed limit were to be lowered to 35 miles per hour in this section approximately 81 per cent of the vehicles would be exceeding the speed limit.

Speed limits are generally set at the 85 percentile speed. In general, speed limits higher than the 85 percentile are not considered reasonable and safe and speed limits below the 85 percentile do not facilitate the orderly movement of traffic, cannot be enforced effectively and are not voluntarily observed by motorists. Speed limits established on the basis of the 85 percentile speed conform to the consensus of those who drive the highway as to what speed is reasonable and safe, and are not dependent on the judgement of one or a few individuals.

Accordingly, after a review of the above data it is recommended that the existing 45 mile per hour speed limit not be lowered. It is recommended though that the exceeding speed limits be strictly enforced.

A five lane section was recommended for La 19 several years ago as a safety project but this improvement was deleted from the program. It is still felt that this measure should be implemented as it would impact many of the types of accidents that are presently occurring on La 19.

/s/ Thomas J. Buckley
4/13/93

TJB:ga
4-13-93

[SEAL] **CITY OF BAKER** **OFFICE OF THE MAYOR**
"Great American Hometown" Bobby R. Simpson

August 22, 1994

Senator Ron Landry
Transportation Committee
P.O. Box 189
LaPlace, La. 70069

Dear Senator Landry,

Attached are copies of correspondence between the City of Baker and Department of Transportation and Development regarding adding a fifth lane on Highway 19 within the city limits of Baker.

Highway 19, a four lane highway, is the main business district of the City of Baker, the 25th largest city in Louisiana. There are no turning lanes on Highway 19 at any of our four red lights within our city limits. This causes tremendous congestion and coupled with a speed limit of 45 mph leads to an average of an accident every two days. We are opening a major truck stop soon and anticipate the opening of a major 100 room suite hotel within the next year. This will only add to our traffic problems.

We would appreciate any way you can assist us with getting our project into the state program. Should you need further information or have any suggestions on this project, please feel free to call. Thank you for your consideration in this matter.

Sincerely,

/s/ Bobby Simpson
Bobby R. Simpson,
Mayor

BRS/jm

encl: Letter to Secretary Jude Patin
Letters from Department of Transportation & Development

[cc: Omitted In Printing]

[SEAL] **CITY OF BAKER** **OFFICE OF THE MAYOR**
"Great American Hometown" Bobby R. Simpson

August 22, 1994

Representative Raymond Jetson
Transportation Committee
4551 Gus Young Ave.
Baton Rouge, La. 70802

Dear Representative Jetson,

Attached are copies of correspondence between the City of Baker and Department of Transportation and Development regarding adding a fifth lane on Highway 19 within the city limits of Baker.

Highway 19, a four lane highway, is the main business district of the City of Baker, the 25th largest city in Louisiana. There are no turning lanes on Highway 19 at any of our four red lights within our city limits. This causes tremendous congestion and coupled with a speed limit of 45 mph leads to an average of an accident every two days. We are opening a major truck stop soon and anticipate the opening of a major 100 room suite hotel within the next year. This will only add to our traffic problems.

We would appreciate any way you can assist us with getting our project into the state program. Should you need further information or have any suggestions on this

project, please feel free to call. Thank you for your consideration in this matter.

Sincerely,

/s/ Bobby Simpson
Bobby R. Simpson,
Mayor

BRS/jm

encl: Letter to Secretary Jude Patin
Letters from Department of Transportation & Development

[cc: Omitted In Printing]

[SEAL] **CITY OF BAKER** **OFFICE OF THE MAYOR**
"Great American Hometown" Bobby R. Simpson

August 22, 1994

Representative Kip Holden
2013 Central Road
Baton Rouge, La. 70807

Dear Representative Holden,

Enclosed are copies of letters written to try and get a fifth lane on Highway 19 through the City of Baker. As you know our business district continues to grow and we desperately need to begin the process to bring this project to reality.

I appreciate the efforts and support you have given the City of Baker and this administration in seeing that other projects have come to pass for the citizens of Baker and look forward to continued success in our endeavors.

Please call if you need further information or have any suggestions.

Sincerely,

/s/ Bobby Simpson
Bobby R. Simpson,
Mayor

BRS/jm

encl: Secretary Patin Letter
D.O.T.D. Letter
Legislative Transportation Committee Letter

[cc: Omitted In Printing]

[SEAL] **CITY OF BAKER** **OFFICE OF THE MAYOR**
"Great American Hometown" Bobby R. Simpson

August 22, 1994

Representative Mike McCleary
P.O. Box 708
Baker, La. 70704

Dear Representative McCleary,

Enclosed are copies of letters written to try and get a fifth lane on Highway 19 through the City of Baker. As you know our business district continues to grow and we desperately need to begin the process to bring this project to reality.

I appreciate the efforts and support you have given the City of Baker and this administration in seeing that other projects have come to pass for the citizens of Baker and look forward to continued success in our endeavors.

Please call if you need further information or have any suggestions.

Sincerely,

/s/ Bobby
Bobby R. Simpson,
Mayor

BRS/jm

encl: Secretary Patin Letter
D.O.T.D. Letter
Legislative Transportation Committee Letter

[cc: Omitted In Printing]

[SEAL] **CITY OF BAKER OFFICE OF THE MAYOR**
"Great American Hometown" Bobby R. Simpson

August 22, 1994

Senator Mike Cross
P.O. Box 94183
Baton Rouge, La. 70804

Dear Senator Cross,

Enclosed are copies of letters written to try and get a fifth lane on Highway 19 through the City of Baker. As you know our business district continues to grow and we desperately need to begin the process to bring this project to reality.

I appreciate the efforts and support you have given the City of Baker and this administration in seeing that other projects have come to pass for the citizens of Baker and look forward to continued success in our endeavors.

Please call if you need further information or have any suggestions.

Sincerely,

/s/ Bobby Simpson
Bobby R. Simpson,
Mayor

BRS/jm

encl: Secretary Patin Letter
D.O.T.D. Letter
Legislative Transportation Committee Letter

[cc: Omitted In Printing]

[SEAL] **CITY OF BAKER** **OFFICE OF THE MAYOR**
"Great American Hometown" Bobby R. Simpson

August 22, 1994

Mr. Don Neisler, Director
Capital Region Planning Commission
P.O. Box 3355
Baton Rouge, La. 70821

Dear Don,

I am enclosing copies of letters and correspondence with state legislators, and Department of Transportation and Development regarding a fifth lane on Highway 19 in the City of Baker. I would like to request that this project which was in our 1994 T.I.P. be placed back into our current T.I.P.

Should you have any questions or need further information please call. Thank you for your assistance.

Sincerely,

/s/ Bobby Simpson
Bobby R. Simpson,
Mayor

BRS/jm

[cc: Omitted In Printing]

SENATE
STATE OF LOUISIANA

[SEAL]

[Names And Address Omitted In Printing]

August 29, 1994

General Jude Patin, Secretary
Department of Transportation & Development
Post Office Box 94245
Baton Rouge, LA. 70804-9245

Dear General Patin:

I am in receipt of correspondence from Mayor Bobby Simpson concerning a fifth lane on Highway 19 through the City of Baker which I am in support of. Also enclosed were copies of correspondence to you, Representative Jetson and Senator Landry concerning this matter.

I am hereby requesting that this project be included in the 1995/96 highway priority program.

Thanking you in advance for your consideration and assistance.

Sincerely,

/s/ Mike Cross
Michael A. Cross

MAC:slw

cc: Mayor Bobby Simpson

[SEAL]

City of Baker
"Great American Hometown"

OFFICE OF THE MAYOR
Bobby R. Simpson

[Handwritten Notation On Letter –
Sent 9/28/9 /s/ JM Tele]

September 28, 1994

Mr. Don Neisler
Capital Regional Planning Commission
P.O. Box 3355
Baton Rouge, La. 70821

Dear Don:

Enclosed is a copy of correspondence received from General Patin regarding a fifth lane on Highway 19 in Baker. Please make sure this is included in our new TIP and also let me know of any meetings I should attend to keep this project moving.

Thanks for all you [sic] assistance.

Sincerely,

/s/ Bobby Simpson
Bobby R. Simpson,
Mayor

BRS/jm

cc: General Jude Patin, D.O.T.D.

[SEAL] SEAL

STATE OF LOUISIANA
DEPARTMENT OF TRANSPORTATION
AND DEVELOPMENT

[Names And Address Omitted In Printing]

[9-26-94]

The Honorable Bobby R. Simpson
Mayor of Baker
Post Office Box 707
Baker, Louisiana 70704

Dear Mayor Simpson:

This is in response to your recent letter, concerning the possibility of widening LA 19 in Baker to provide a two-way, left-turn lane.

Please be advised that your request for such a project will be considered in the next cycle of the Highway Needs process from which construction priorities are established. You may also wish to pursue Surface Transportation Program (STP) attributable funds through the Capital Region Planning Commission (CRPC). This funding source requires a local match of 20 percent of the project cost. In either case, a project of this type must be included in the financially constrained, long-range transportation plan for the Baton Rouge Metropolitan Area, which is presently under development by CRPC.

Also, please note that your request for a speed limit reduction has been forwarded to Mr. W. T. Taylor, Jr., my District Engineer Administrator, for evaluation. We will advise you of what assistance may be rendered.

If I can be of further assistance, please contact me or Mr. Coan Bueche, (504) 358-9131.

Sincerely,

/s/ Jude Patin
Jude W. P. Patin
Secretary

[pc: Omitted In Printing]

[Handwritten Notation On Letter – [illegible 8-1]]

[LOGO]

LOUISIANA DEPARTMENT OF TRANSPORTATION AND DEVELOPMENT

[Names And Address Omitted In Printing]

November 22, 1991

The Honorable Pete Heine
Mayor, City of Baker
Post Office, Box 707
Baker, Louisiana 70714

Dear Mayor Heine:

This is in response to your request for a study to determine the feasibility of constructing left turn lanes on La 19 at major intersections in the City of Baker.

I am in receipt of a report from our Traffic and Planning Section which addresses your request in some detail. A copy of the report is enclosed for your reference. You will note the report states that right-of-way and construction problems prohibit widening of the highway to provide for the left turn lane improvements. Widening on the east side of La 19 would encroach excessively on area businesses while widening on the west side would create too much grade differential for intersecting streets and create other traffic control problems due to the proximity of the railroad.

With all this considered, it does not appear that a project to construct turning lanes would be feasible. Consequently, I regret that we are unable to undertake plans for such a project at this time.

With best regards, I remain

Yours very truly,

/s/ Dempsey D. White
DEMPSEY D. WHITE
DOTD CHIEF ENGINEER

LAG/lrp
Attachment

[cc: Omitted In Printing]

[Fax cover sheet dated 12/19/96 from Julie McCullock of Mayor Bobby Simpson's office to Ronnie Carter of DOTD; nothing was attached to this fax cover sheet; hence DOTD does not object to production of this cover sheet; however, if it is later determined that a document protected by 23 USC section 409 and all jurisprudence interpreting that statute was attached to that fax cover sheet then DOTD does object to production of the fax cover sheet and the attachments.]

[Handwritten Notation On Fax Sheet – Sent 12/19/96 /s/ JM File: Hi 19 speed limit. 8-1]

[SEAL] **City of Baker** **OFFICE OF THE MAYOR**
"Great American Hometown" Bobby R. Simpson

FACSIMILE COVER SHEET

DATE: 12/19/96
TIME: 11:40

PLEASE DELIVER TO: Mr. Ronnie Carter
COMPANY: DOTD
TELEPHONE: 231-4105
FAX NUMBER: 231-4108

FROM: NAME: Julie McCullock
COMPANY: Adm. Asst.
TELEPHONE: 778-0300
FAX NUMBER: 231-4108

WE ARE TRANSMITTING 1 PAGE(S) INCLUDING COVER SHEET. IF TRANSMISSIONS NOT COMPLETE, PLEASE CALL: (504) 778-0300

COMMENTS: Please correct original signal request for Hwy 19 @ Manhatten. Change to Hwy. 19 @ Singletary – (Per Mayor) Thanks – Julie McCullock

[Fax cover sheet dated 3/31/97 from Mayor Bobby Simpson to Mark Smith of Baker Observer.]

TRANSACTION REPORT

SEND

RECEIVER	PAGES	NOTE
504 231 4108	1	OK

[Handwritten Notation On Letter – Mayor Simpson: F.Y.I]

Baker **[SEAL]**
Chamber of Commerce

[Names And Address Omitted In Printing]

March 31, 1997

Willie Taylor
District 61 Administrator
Louisiana Department of Transportation
And Development
8100 Airline Highway
Baton Rouge, Louisiana 70815

We appreciated the opportunity to talk to you about the roadways in and around our City during the breakfast held on Thursday, March 27, 1997.

As a result, the following two issues were presented for which you asked that we request further study:

(1) A turn lane throughout the City on Highway 19

It was apparent that many of the problems that were discussed could be eliminated with a turn lane on Highway 19. Not only would such a lane relieve the pressures that accompany heavy traffic flow, but it would make this highway much safer within the City limits.

(2) A decrease in the speed limit to 35 mph on Highway 19

It is extremely common for people to travel between 5-10 miles over the posted speed limit. It is also very difficult for our police force to monitor one roadway 24 hours a day. It is believed that many of the accidents that occur

on this busy thoroughfare are a result of excessive speed (compounded by no turn lanes!).

Thank you for your attention to this matter. We look forward to the results of your study. If additional information is needed, please do not hesitate to contact us for help.

Sincerely,

/s/ Mary Sue
Marysue Stages, CPA

/s/ T-Bob Taylor
T-Bob Taylor

[cc: Omitted In Printing]

[Handwritten Notation On Letter – [Illegible] 4/2/96 /s/ JM 6 – Hwy 19]

[SEAL] **City of Baker** **OFFICE OF THE MAYOR**
"Great American Hometown" Bobby R. Simpson

April 2, 1996

Mr. Charles M. Higgins Consultants, Inc.
9181 Interline Ave.
Suite 200
Baton Rouge, La. 70809

DeaR Charlie:

Per our telephone conversation of April 2, 1996, I have enclosed all correspondence regarding a fifth lane on Highway 19 in Baker.

The April 13, 1993 DOTD letter contains the recommendation by DOTD for a fifth lane as a safety project. On August 19, 1994 I met with General Patin to discuss this project and he implied support. The other letters show correspondence with him and CRPC on this project.

Should you need any additional information or assistance, please do not hesitate to call. Thank you.

Sincerely,

/s/ Bobby Simpson
Bobby R. Simpson
Mayor

BRS/jm

cc: Mr. Don Neisler, CRPC

[SEAL] **City of Baker** **OFFICE OF THE MAYOR**
"Great American Hometown" Bobby R. Simpson

August 4, 1999

Don Neisler, Executive Director
CRPC
P.O. Box 3355
Baton Rouge, La. 70821

Dear Don,

Attached is a copy of a letter I received from Coan Bueche regarding the study of a fifth lane on Highway 19 in Baker. I am requesting of you that CRPC conduct this study as requested in Mr. Bueche's letter.

If you need further information or any other assistance, please feel free to call.

Sincerely,

/s/ Bobby Simpson
Bobby Simpson, Mayor
City of Baker

[LOGO] STATE OF LOUISIANA [LOGO]
DEPARTMENT OF TRANSPORTATION
AND DEVELOPMENT

[Names And Address Omitted In Printing]

July 28, 1999

Honorable Bobby Simpson
Mayor, City of Baker
P.O. Box 707
Baker, Louisiana 70704

RE: Highway 19 Fifth Lane

Dear Mayor Simpson:

This is in response to your letter of July 21, 1999, asking that I inform you of the schedule for the study of the referenced project.

I met with members of my staff and Mr. Huey Dugas yesterday to discuss the study of widening La 19 to five lanes through Baker. We agreed that the Capital Region Planning Commission would use consultant assistance in doing the study. Since the study is small, Mr. Dugas estimated that securing consultant assistance would take from 15 to 30 days. Completing the study would then take about another 60 to 90 days. So, the frame is between 75 and 120 days. We will do what we can to stick to this schedule.

Should you have any questions about any of this, or wish to discuss it further, please contact me at (225) 379-1248.

Sincerely,

/s/ Coan Bueche
Coan Bueche
Assistant Secretary
Office Planning and Programming

[pc: Omitted In Printing]

[Handwritten Notation On Letter – File [Illegible] Speed Limit – [Hwy Illegible]]

CR CAPITAL REGION
PC PLANNING COMMISSION

[Names And Address Omitted In Printing]

August 3, 1999

Mr. Coan Bueche
Assistant Secretary for Planning and Programming
DOTD
P.O. Box 94245 – Capitol Station
Baton Rouge, LA 70804-9245

Subject: Contract for Services to Study Highway 19 Fifth Lane in Baker

Dear Mr. Bueche:

This letter and attachments are in reference to conversations with you and Jim Joffrion regarding the scope of services and contract for the study of the referenced project.

Attached please find a copy of the proposed contract with the consultants fee proposal and rate schedule to perform the work as detailed in the scope of services. The lump sum fee for the study is $11,000 and the study will be completed in 60 days. Since this is a small contract, and at the request of Mayor Simpson to expedite the completion of this study, we are requesting your approval to execute a sole source contract.

Please notify me, or Huey Dugas of any amendments or approval of the proposed contract. We expect to execute the contract within 15 days of your approval.

Sincerely,

/s/ Don W. Neisler
Don W. Neisler
Director

Attachment

cc: Honorable Bobby Simpson

CRPC CONTRACT FOR ENGINEERING STUDY FOR RIGHT-OF-WAY REQUIREMENTS AND CONSTRUCTION COST ESTIMATES FOR ADDITIONAL TURN-LANE ON HWY 19 IN THE CITY OF BAKER

THIS CONTRACT made and entered into this 1st day of ___, 1999, by and between AAco Engineering, Inc. (hereinafter referred to as "CONSULTANT") and the Capital Region Planning Commission (hereinafter referred to as "CRPC").

WITNESSETH THAT:

WHEREAS, CRPC desires to engage the services of the CONSULTANT relative principally to assisting in the conduct and preparation of the Engineering Study for Right-of-Way Requirements and Construction Cost Estimates for a Right Turn Lane on LA 19 in Baker, this contract is entered into to provide assistance in rendering certain technical and professional services and assistance to the CRPC.

WHEREAS, the CONSULTANT (located in offices at 8221 Summa Avenue, Baton Rouge, LA) is qualified to perform such services for CRPC.

NOW, THEREFORE, for and in consideration of the mutual covenants contained herein and in the contract of ___ 1999 between CONSULTANT and the CRPC the parties hereto agree as follows:

I SCOPE OF SERVICES

OBJECTIVES

The primary objective of this study is the determination of right-of-way requirements for the proposed additional continuous center turn-lane on LA 19 in the City of Baker. The secondary objective of this study is the development of cost estimates for right-of-way and construction of the proposed turn-lane. The limits of the project are to extend from approximately Blount Road on the south to Wimbush Road on the north. The distance of limits as stated above, is approximately four miles.

SCOPE OF SERVICES

A. Develop a graphical layout of the roadway between the limits of the project. The graphical layout will include transitions.

B. Prepare graphical layouts on aerial photographs (aerial photographs will be furnished by LADOTD).

C. Develop a typical section complying with state and federal requirements for construction on similar type facilities.

D. Based on the typical section, identify the minimum width right-of-way.

E. Prepare exhibits displaying existing rights-of-way on the project limits. (Existing rights-of-way will be furnished LADOTD).

F. Incomplete right-of-way information provided by LADOTD will be supplemented by on-site inspections and legal documents recorded at the Court House.

G. Identify the additional right-of-way required by the proposed continuous turn-lane that is in addition to the existing right-of-way.

H. Prepare and deliver cost estimates for the additional right-of-way identified in 7. above, (furnished by LADOTD).

I. Develop a set of exhibits on aerial photographs showing

   1. alignment of proposed improvements
   2. existing right-of-way,
   3. required right-of-way, and
   4. apparent property lines.

J. Prepare a construction sequence plan.

K. Identify apparent problems resulting from construction activity.

L. Prepare construction cost estimates on a per mile basis and on an assumed method of construction.

II DELIVERABLES

Deliverables include a report with the following material: the project layout, a discussion of the method of construction sequencing, apparent problems involving construction, construction cost based on a per mile cost for this type of construction, right-of-way cost on a front foot or square foot basis for all right-of-way identified as additional requirements, utility relocation costs, and any other costs that may impact on the project.

III COMPENSATION

The CRPC shall pay, and the CONSULTANT agrees to accept, as full compensation for the services to be performed under the contract, all properly documented expenses as stipulated in Section D and paragraphs A. through L, and in Section II. These services will be provided to CRPC and will be invoiced by the CONSULTANT. In no event, shall the work authorized by the CONSULTANT exceed $11,000. CONSULTANT will invoice project costs monthly on a time-and-material basis in accordance with the rate schedule attached to this agreement as "EXHIBIT A."

IV PAYMENT

Payments to the CONSULTANT for services rendered will be monthly through the project duration, and based on an invoice itemizing labor and/or properly documented expenses.

V ASSIGNABILITY

The CONSULTANT shall not assign any interest in the Contract, and shall not transfer any interest in the same without prior written consent of CRPC.

VI CONFLICT OF INTEREST

It is understood and agreed between the parties hereto that the CONSULTANT is not retained exclusively by CRPC but that the CONSULTANT may be retained during the term of this Contract by other parties. In the event

of conflicts of interest or potential conflicts of interest between CONSULTANT and other parties who have engaged the CONSULTANT, the CONSULTANT agrees to make full disclosure of the same and that it will take no action on behalf of any other client directly adverse to CRPC, nor will the CONSULTANT take any action on behalf of CRPC, directly adverse to any other client.

VII INDEMNIFICATION

The CONSULTANT agrees that it shall indemnify and save harmless CRPC against any and all claims of whatsoever kind or nature, including but not limited to, damages to person or property that may arise out of, or by reason of, the performance of technical and professional services under this contract by the CONSULTANT or any CONSULTANT's employees, and that may be due to the commission or omission of any act by negligence of the work hereunder, and of proportionate share of costs relating to the defense of any such claims, including reasonable attorney's fees incident thereto.

VIII TERMINATION FOR CONVENIENCE OF CRPC

A. The performance of work under this contract may be terminated by CRPC, in whole or in part, whenever it is determined to be in the best interest of CRPC.

B. Any such termination shall be effected by the delivery to the CONSULTANT of a notice of

termination specifying the extent to which performance of work is terminated, and the date upon which such termination becomes effective.

C. The CONSULTANT shall be paid for work completed prior to receipt of termination notice.

IX AMENDMENT OF CONTRACT

This Contract may be amended by mutual consent of the respective parties. For the consideration and under the conditions set forth above, the CONSULTANT agrees to perform the specified services for CRPC.

Aaco Engineering, Inc.

Witnesses:

_____ By:_____

_____ Title:_____

_____ Date

CRPC

Witnesses:

_____ By:_____

_____ Title:_____

_____ Date

EXHIBIT "A"

MANHOUR/COSTS ESTIMATE FOR A-E SERVICE
COST COMPUTATION

PROJECT: LA 19 - Baker

DATE: 7-29-99 PREPARED BY: Alan Krouse

Principal	____ hrs.	x $ 35.00	=	$____
Chief Engineer	123 hrs.	x $ 30.00	=	$ 3,690.00
Project Engineer	____ hrs.	x $ 25.00	=	$____
Civil Engineer/PLS	____ hrs.	x $____	=	$____
Structural Engineer	____ hrs.	x $____	=	$____
Specification Writer	____ hrs.	x $ 20.00	=	$____
Technician	____ hrs.	x $ 18.00	=	$____
Drafting-CADD	188 hrs.	x $ 16.00	=	$ 3,008.00
Inspector	____ hrs.	x $ 20.00	=	$____
3 Man Survey Crew	____ hrs.	x $____	=	$____
Other____	____ hrs.	x $____	=	$____
Secretarial	____ hrs.	x $ 11.00	=	$____

DIRECT PAYROLL COSTS	$ 6,698.00
PAYROLL ADDITIVES(___%)	$____
OVERHEAD(50 %)	$ 3,349.00
DIRECT EXPENSES(see below)	$____
TOTAL ESTIMATED COST	$ 10,047.00
PROFIT (10 %)	$ 1,000.00
LUMP SUM FEE	$ 11,047.00 (Say $11,000)
TOTAL DIRECT EXPENSES	$____

[Handwritten Notation On Letter – File: 6-3 Speed Limit Hi 19]

Higgins Engineers

Engineers *Planners* *Land Surveyors*

February 28, 1997

Mr. Bobby R. Simpson, Mayor
PO Box 707
Baker, Louisiana 70714

Dear Mayor Simpson

The figure given to you by Gary McClure of approximately $4,500,000.00 for the construction of Groom Road is probably a good preliminary cost estimate for the project. Since the project is in an early stage of design, the estimate may vary considerably as design progresses.

The $1,500,000.00 figure quoted to you yesterday was the result of a misreading note which stated that the estimate had increased by about that amount. When the $1,500,000.00 is added to the original $3,000,000.00 estimate, the total estimate as received from DOTD is very close to that by the Designer.

Concerning the study of LA 19 in Baker, Jeff Burst transferred to Road Design approximately a week ago and is no longer handling the study. John Davis, whose telephone number is 379-1421, will now be conducting the study.

I talked to Mr. Davis this morning and he stated that he is familiarizing himself with the study and will be

moving forward with it. As of this date he could not estimate when the study would be complete.

Yours very truly

/s/ Charles M. Higgins
Charles M. Higgins, P E. P.1 S
President

CMH/[Illegible]

[Handwritten Notation On Report – File 8-1
Speed Limit Hwy 19]

CONTINUOUS LEFT TURN LANE STUDY

LA 19 IN BAKER
EAST BATON ROUGE PARISH

OCTOBER, 1999

Prepared for
Capital Region Planning Commission
and
Louisiana Department of
Transportation and Development

TABLE OF CONTENTS

1.0 Introduction
2.0 Purpose and Need
3.0 Alternates
4.0 Study

4.1 Typical Section
4.2 Right-of-Way
4.3 Utilities
4.4 Drainage

4.5 Construction Sequence
4.6 Business and Public Impact
4.7 Planned Highway Improvements
4.8 Cost Estimates
4.9 Engineering Evaluation

Appendix

Typical Section
Plans
Cost Estimates

1.0 INTRODUCTION

The Capital Region Planning Commission was asked by the Mayor of Baker to look into the feasibility of construction an additional lane on LA 19 in Baker for use as a continuous left turn lane. LA 19 in Baker is the City's main arterial road and provides direct access to Baton Rouge to the south and Zachary to the north. The highway is fronted on the east by businesses and public parks. The west side of the highway is fronted by a railroad. The existing roadway geometry is four lanes with curb and gutter and or ditches. The roadway is concrete overlaid with asphalt or full depth asphalt. The additional lane will be added either to the east on the northbound roadway or to the west on the southbound roadway. This study will examine both alternates, however, for either alternate the existing roadway will be cold planed, overlaid and re-striped. The limits of the study will be from I-110 on the south to Wimbush Road on the north.

* * *

3.0 ALTERNATIVES

The three alternatives that will be reviewed by this study will be the addition of the lane on the east side of LA 19, on the west side of LA 19, and widening equally on both sides of LA 19. It is intended to construct the project within existing right-of-way for all alternates and for all alternates the existing roadway will be cold planed, overlaid and re-striped. The main area of congestion is within the City limits of Baker. The study will focus on this section of the corridor for comparison and a cost estimate will be presented. The sections north and south will then be reviewed for inclusion and continuity.

* * *

4.4 Drainage

The existing drainage is subsurface on the east side and partial subsurface on the west side. The west side is partial because some of the curb openings drain into existing ditches.

For the new lane construction on the east side, all of the catch basins would require reconstruction along with their ties to the drainage trunk line. By comparison the new lane construction on the west side would also require reconstruction of the catch basins, but not all of them are basins, but simply openings to the ditch. Therefore, the pipe connection back to the trunk line would not be required.

4.5 Construction Sequence

The addition of the lane to either side of the existing road would require construction while maintaining four lanes of through traffic. The cold planing and overlaying would be done with a moving operation.

4.6 Business and Public Access

On the west side of the highway there are some picnic areas between the railroad and the edge of the road. Assuming that these are owned and maintained by the City, it is believed they could be reconstructed if they fall within the construction limits. There are no businesses on the west side so maintaining business access to the west is not applicable.

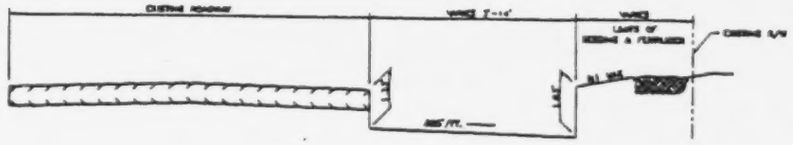
The east side of the highway on the other hand has many businesses where access would need to be maintained. The construction of the lane on the east side would be much more difficult because of the business access and construction of driveways.

4.7 Planned Highway Improvements

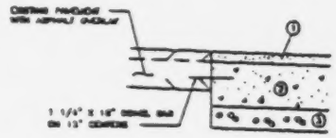
The LA Department of Transportation and Development has two highway improvement projects scheduled on intersecting streets. One project is a scheduled improvement on Lavey Lane. The project will add a right turn lane on LA 19 northbound to Lavey Lane, add a right turn lane on Lavey Lane to LA 19 northbound and then restripe the remaining lanes to a combination thru and left turn and a dedicated left turn lane to LA 19 southbound.

The other proposed improvement project is on Groom Road. Groom Road will be widened to add a continuous left turn lane. At the intersection of LA 19 on Groom Road there will be a right turn lane, a left turn lane, and combination thru and left turn lane. On LA 19 there will be a right turn and left turn lane added on the northbound approach and a left turn lane added on the southbound lanes. All of the widening for the proposed improvements will be constructed on the east side of LA 19.

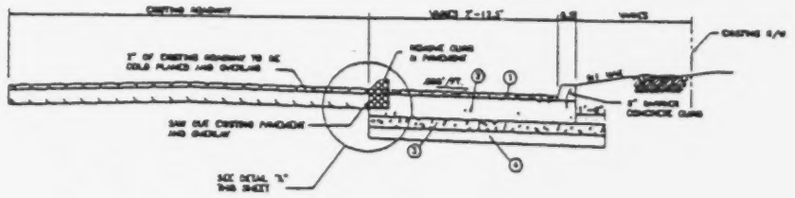
* * *



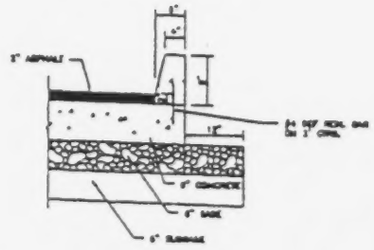
TYPICAL GRADING SECTION



DETAIL "A"



TYPICAL FINISHED SECTION



8" CONCRETE BARRIER CURB

TYPICAL SECTIONS

BEST AVAILABLE COPY

ADDITIONAL FOR WIDENING ON THE WEST

Concrete (9")	485 ($30.00)	$ 14,550
Curb Removal	393 ($5.00)	$ 1,965
New Curb	393 ($7.00)	$ 2,751
Base Course	80 ($25.00	$ 2,000
Asphalt	55 ($35.00)	$ 1,925
15" RCP	390 ($25.00)	$ 9,750
Catch Basins	26 ($3,000.00)	$ 78,000
Curb Openings	29 ($500.00)	$ 14,500
Total Additional		$125,391
Total for West Widening		$956,391
Engineering and Contingency (15%)		$143,459
Grand Total		$1,099,850 or $611,028 per mile

WIDENING HALF ON EAST AND HALF ON WEST

Concrete 1,358 ($30.00)	$ 40,740
Curb Removal 1,100 ($5.00)	$ 5,500
New Curb 1,100 ($7.00)	$ 7,700
Concrete (6") 1,800 ($25.00)	$ 45,000
Base Course 224 ($25.00)	$ 5,600
Asphalt 154 ($35.00)	$ 5,390
15" RCP 630 ($25.00)	$ 15,750
Catch Basins 87 ($3,000.00)	$ 261,000

Curb Openings 29 ($500.00)	$ 14,500
	$ 401,180
Total for Widening on East & West	$1,232,180
Contingency & Engineering 15%	$ 184,827
Grand Total	$1,417,007 or $787,226 per mile

[Photo North of Lavey Lane Looking North Omitted In Printing]

[Photo Looking North at Truman and Ray Weiland Omitted In Printing]

[Photo Looking North at Groom Road Omitted In Printing]

[Photo Looking North at Baker Boulevard Omitted In Printing]

[One letter size plain white page containing two boxes referencing Highway 19 projects and ITS projects; the source of this document is unknown; if the source may be traced back to DOTD's records and the document refers to anything protected by 23 USC section 409 and all jurisprudence interpreting that statute then in that event, DOTD objects to production of this document.]

LA 19 Project

- From Lavey to Twin Oaks
- Overlay, continuous turning lane and 4 new signals
- $35,000 STP>200K + 20% Match for PE (design)
- $3,000,000 STPHAZ for construction
- Signal – State retainer contract

ITS projects

- Need $12,500,000 for design, construction and operation
- Current TIP committed CMAQ $8,000,000
- Delay 3 intersection projects to free $5,000,000 CMAQ for ITS projects
- These 3 intersections are
  - Harding @ Plank
  - Harding @ I-110
  - Nicholson @ Bob Pettit

Latest STIP Projects (Not in current TIP)

Project#	Project Description	Parish	Proposed Improvement	Phase	Tot Cost	Fed Share	Fund	Let Date	Comment
450-10-0118	I-10 Exit ramp at Highland EB	EBR	Exit ramp	C	$555	$500	IM	Jan-00	
454-01-B	I-12, exit ramps at Sherwood Forest	EBR	Exit ramp	C	$150	$135	IM	Feb-01	
253-03-A	LA64, LA67-LA410, LA410-LA37	EBR	Overlay	C	$1,983	$1,586	STPFLEX	Jun-00	
832-12	La1032, LA16-LA1033	LIV	Overlay	C	$750	$600	STPFLEX	May-00	
450-92-	I-110, I-10-US61 (At grade sections)	EBR	Reconstruct. Pavement	C	$8,000	$7,200	IM	Jan-01	
019-01	US61 By/US190 to LA19	EBR	Overlay	C	$603	$482	NHS	Jul-01	
019-02	US61, LA19 - I110	EBR	Overlay	C	$468	$374	NHS	Jul-01	
450-10-0111	I-10, Picardy Ave Interchange	EBR	New interchange	C	$25,000	$4,000	NHS/LOC	Aug-01	Local $20,000K
060-01	LA67, LA73 - US190B/US61	EBR	Patch, Clean & Reseal	C	$250	$200	STPFLEX	FY2001	
262-02-A	La16, LA1032 - End of 4 lane	LIV	Patch, Jack, Seal	C	$500	$400	STPFLEX	Sep-01	
817-05-A	Blackwater Road @ Hooper Road	EBR	Right turning lanes	C	$100	$0	STPCASH	Jun-01	
			Subtotal Construction		**$38,359**	**$15,478**			
414-03-0023	LA30, LA3251-LA44	ASCEN	Three laning	PE	$200	$160	DEMO	FY2000	
260-01-0020	Amite River Relief Bridge	ASCEN	Bridge replacement	PE	$92	$74	FBR	FY2000	
265-01-A	LA44, Panama Canal Bridge	ASCEN	Bridge replacement	PE	$66	$53	FBR	FY2000	
450-10-A	I-10/I-110 Interchange	EBR	Interchange modification	PE	$1,000	$900	NHS	FY2000	
450-10-0111	I-10, Picardy Interchange	EBR	New interchange	PE	$2,500	$2,000	NHS	FY2000	
077-02-A	LA73 @LA74	ASCEN	Left turning lanes	PE	$80	$64	STP<5K	FY2000	
267-02	LA431, LA931 & Lake Martin Rd Cur	ASCEN	Isolate construction	PE	$200	$160	STP<5K	FY2000	
255-02	LA408, LA410-LA3034	EBR	Turning lanes &shoulder	PE	$70	$56	STPFLEX	FY2000	
			Subtotal PE		**$4,208**	**$3,466**			
450-10-0111	I-10, Picardy Interchange	EBR	New interchange	R/W-U	$3,750	$3,000	NHS	FY2000	
264-04-A	LA429, LA22 west 2.2 miles	ASCEN	Minor Reconstruction	R/W-U	$187	$150	STP<5K	FY2001	
255-02	LA408, LA410-LA3034	EBR	Turning lanes &shoulder	R/W-U	$105	$84	STPFLEX	FY2001	
			Subtotal R/W-U		**$4,042**	**$3,234**			
			Grand Total		**$46,609**	**$22,178**			

*project 861-04, LA984 overlay is out of MPO area, and it is not included in this list.

13/1999

PROJECTS IN STIP WITHIN MPO AREAS
CONSTRUCTION PROJECTS FOR FISCAL YEARS 2000, AND 2001
PROGRAM NAME: STIP - LIST 5
HIGHWAY PROGRAM APPROVED IN JULY 1999 - NEW PROJECTS

MPO AREA	CONST/ENGR/ RW/FED #	ROUTE	PROJECT NAME/TYPE IMPV/PARISH	EST COST X $1000	CONST FY	FUND TYPE	
BATON ROUGE	450-10-0118 IM10-3(253)167	I 10	I-10 EXIT RAMP AT LA 42(HIGHLAND) EXIT RAMPS EAST BATON ROUGE	75	1999-00	IM	
BATON ROUGE	454-01- B	I 12	REHAB RAMPS AT SHERWOOD FOREST EXIT RAMPS EAST BATON ROUGE	150	1999-00	IM	line item
BATON ROUGE	253-03- A	LA 64	LA 67-LA 410, LA 410-LA 37 OVERLAY EAST BATON ROUGE	1,983	1999-00	STPFLEX + overlay	line item (both)
BATON ROUGE	832-12-	LA1032	LA 16 - LA 1033 OVERLAY LIVINGSTON	750	1999-00	OVERLAY	line item
BATON ROUGE	450-92-	I 110	AT GRADE SECTIONS (I-10 - US 61) RECONSTRUCT CONCRETE PAVEMENT EAST BATON ROUGE	8,000	2000-01	IM	line item
BATON ROUGE	019-01-	US 61	US 61 BY/US 190 TO LA 19 OVERLAY EAST BATON ROUGE	603	2000-01	NHS	
BATON ROUGE	019-02-	US 61	LA 19 TO I 110 OVERLAY EAST BATON ROUGE	468	2000-01	NHS	
BATON ROUGE	450-10-0111 NH10-3(254)162	I 10	PICARDY AVENUE INTERCHANGE NEW INTERCHANGE EAST BATON ROUGE	25,000	2000-01	NHS LOCAL	
BATON ROUGE	060-01-	LA 67	LA 73 - US 190 B/US 61 PATCHING, CLEANING & RESEALING JTS. EAST BATON ROUGE	250	2000-01	STPFLEX	~ line item

PROJECTS IN STIP WITHIN MPO AREAS
CONSTRUCTION PROJECTS FOR FISCAL YEARS 2000, AND 2001
PROGRAM NAME: STIP - LIST 5
HIGHWAY PROGRAM APPROVED IN JULY 1999 - NEW PROJECTS

MPO AREA	CONST/ENGR/ RW/FED #		ROUTE	PROJECT NAME/TYPE IMPV/PARISH	EST COST X $1000	CONST FY	FUND TYPE
BATON ROUGE	262-02-	A	LA 16	LA 1032 - END OF 4 LANE PATCHING, JACKING, SEALING, ... LIVINGSTON	500	2000-01	STPFLEX
BATON ROUGE	817-05-	A	LA 410	BLACKWATER ROAD AT HOOPER ROAD RIGHT TURN LANE EAST BATON ROUGE	50	2000-01	STCASH
BATON ROUGE	861-04-		LA 984	LA 983 - LA 415 OVERLAY WEST BATON ROUGE	908	2000-01	OVERLAY

8/13/1999

ENGINEERING AUTHORIZATIONS ANTICIPATED, 2000 THROUGH 2001
HIGHWAY PROGRAM APPROVED IN JULY 1999 - NEW PROJECTS
FILENAME: ENGRFY, LIST 6 - SORT BY MPO AREA

MPO	PROJECT NUMBERS	PROJECT NAME	ENGR FY	EST ENGR COST	CONST FY	FUND CAT1
BR	414-03-	I-10 - LA 44 THREE LANING ASCENSION LA 30	2000		2000	DEMO
	260-01-0020 700-03-0108 BR363-1(004)	AMITE RIVER RELIEF BRIDGE BRIDGE REPLACEMENT ASCENSION LA 42	2000	92	2006	FBR
	265-01- A	PANAMA CANAL BRIDGE BRIDGE REPLACEMENT ASCENSION LA 44	2000	66	2006	FBR
	450-10- A	I-10 / I-110 INTERCHANGE INTERCHANGE MODIFICATION EAST BATON ROUGE I 10	2000	500	2008	NHS
	450-10-0111 NH10-3(254)162	PICARDY AVENUE INTERCHANGE NEW INTERCHANGE EAST BATON ROUGE I 10	2000	2,500	2001	NHS
	077-02- A	INTERSECTION OF LA 73 AND LA 74 LEFT TURN LANES ASCENSION LA 73	2000	80	2003	STP<5K
	267-02-	LA 931 AND LAKE MARTIN RD. CURVES ISOLATED RECONSTRUCTION ASCENSION LA 431	2000	200	2003	STP<5K
	255-02-	LA 410 - LA 3034 TURN LANES AND SHOULDER RECON. EAST BATON ROUGE LA 408	2000	70	2002	STPFLEX
BR				3,508		
BR				3,508		

8/13/1999 INITIAL RIGHT-OF-WAY AUTHORIZATIONS FOR THE BR MPO AREA PAGE 1
FILENAME: RWFY, LIST 5 - SORTED BY MPO

HIGHWAY PROGRAM APPROVED IN JULY 1999 - NEW PROJECTS

TOTAL P.04

RW FY	CONST / RW / FED #	PROJECT NAME	RW COST	RW COST FED SHARE	UTIL COST	UTIL COST FED SHARE	FUND TYPE	CONST FY
2000	450-10-0111	PICARDY AVENUE INTERCHANGE NEW INTERCHANGE	2,500	2,000	1,250	1,000	NHS	2001
	NH10-3(254)162	EAST BATON ROUGE I 10						
2000			2,500	2,000	1,250	1,000		
2001	264-04- A	LA 22 WEST 2.2 MILES MINOR WIDENING & ISOL. RECON. ASCENSION LA 429	125	100	62	49	STP<5K	2002
	255-02-	LA 410 - LA 3034 TURN LANES AND SHOULDER RECON.	70	56	35	28	STPFLEX	2002
	HPT021(005)	EAST BATON ROUGE LA 408						
2001			195	156	97	77		
			2,695	2,156	1,347	1,077		

[LOGO] **City of Baker** OFFICE OF THE MAYOR
"Great American Hometown" Bobby R. Simpson

June 1, 1994

Mr. Jude Patin, Secretary
Department of Transportation & Development
P.O. Box 94245
Baton Rouge, La. 70804-9245

Dear Mr. Patin,

Since October 1992 I have written two letters to your office requesting that the speed limit on Highway 19 in the Baker city limits be lowered from 45 m.p.h. to 35 m.p.h. and that a traffic light be installed at the corner of Highway 19 and Coolidge Street. The response to both of these requests through the Department of Transportation & Development has been denial.

I would once again like to request that a traffic light be installed at the corner of Coolidge Street and Highway 19 and that the speed limit within the corporate limits of Baker be lowered from 45 m.p.h. to 35 m.p.h. Since my last letter of March 31, 1993, we have had 202 accidents on Highway 19 in Baker for an average of over 15 wrecks per month or one accident every two days. We implore you to assist us with this problem.

Please feel free to call if you should need additional information. We look forward to hearing from you.

Sincerely,

/s/ Bobby Simpson
Bobby R. Simpson,
Mayor

BRS/jm

[cc: Omitted In Printing]

[5-31-94]

VEHICLE ACCIDENTS – LA 19

April 1993 – 14
May 1993 – 18
June 1993 – 10
July 1993 – 12
Aug 1993 – 15
Sept 1993 – 17
Oct 1993 – 11
Nov 1993 – 18
Dec 1993 – 21
Jan 1994 – 20
Feb 1994 – 16
Mar 1994 – 18
Apr 1994 – 12

3/202 15.5

August 24, 1992

DEPARTMENT OF TRANSPORTATION
ATTN: MR TOM BUCKLE
P O BOX 831
BATON ROUGE, LA 70821-0831

Dear Mr. Buckle:

This is in reference to our telephone conversation on Thursday, August 20, 1992, concerning several matters on traffic control at Lavey Lane and Hwy 19 in Baker, and the Interstate entrance Southbound on Hwy 19 inside city limits, Baton Bouge.

As I stated, this is not a first time problem, because last school year, we had the same congestion. The Highway Department decided to lengthen the left turning lane at Lavey Lane, so that cars turning right going into Baker will have a clear path. But, there are more cars between the hours of 7:30 a.m. and 8:00 turning left off of Lavey Lane then [sic] there are cars making the right turn into Baker. So this did not solve the problem of long lines of cars from the traffic light at Lavey Lane, until almost the bridge back. I have set anywhere from 3 to 5 red lights at Lavey Lane, trying to turn left onto Hwy 19. I agreed with you that the green light was at least 23 seconds long, but I took a survey on Friday morning around 7:45 a.m., and timed this traffic light. Patiently waiting through 3 red lights, the green light only stayed on for 15 seconds at a time. Please realize that there are as many cars across the track that are trying to go across Lavey Lane, so this only limits 5 cars to be able to turn left onto Hwy 19 during this 15 minute [sic] green light period.

My suggestion is to give the traffic turning left on the west side of Lavey Lane a left turning arrow, before the east traffic on Lavey Ln goes across Hwy 19 or give us 35 seconds of green light, so more cars may turn left onto Hwy 19.

We also discussed another problem that I consider a dangerous problem that's at the same intersection. I have seen numerous accidents which occur there, mostly in the late evening and at night. Please check the police reports on accidents that have taken place at this intersection and consider looking into this condition also. The problem is: If you are traveling Southbound on Hwy 19, wanting to make a left turn onto Lavey Lane you get a left turning arrow, but when that light turns red and you are under the light still waiting to turn, oncoming traffic headed Northbound on Hwy 19 still has a green light. You stated that this was called "League Lag", if I'm not mistaken. People who are not familiar with this traffic light being a "League Lag" has gotten or almost gotten hit by the oncoming traffic headed Northbound. How many deaths should be on record before something can be done about this dangerous situation?

Finally, on Hwy 19 at the Interstate entrance, right pass Blount Rd intersection, there is at least a 30 car line-up trying to get in the left lane to turn onto the Interstate. Because of the long lines, cars actually get out of line and force there [sic] way in front of other cars that are closer to getting on.

Before the police put the no U-turn sign pass the second traffic light going toward Scenic Hwy, this sort of relived, tension on the long line trying to get on the Interstate. My

suggestion: Make the left turning lane into a two turning lane onto the Interstate, or get the police to take down the no U-turn sign they placed pass the Interstate entrance.

Please look into these matters to relieve tensions, stop accidents, and help the flow of traffic at peak hours in the mornings (7:30 a.m. - 8:00 a.m.)

Truthfully Yours,

/s/ Mrs. Linda A. Irving
Mrs. Linda A. Irving
13616 Hico Dr
Baker, LA 70714-4666

If you have any questions, you may contact me from 8:00 a.m. - 4:30 a.m. at 381-0378. You actions to correct these matters are greatly appreciated.

cc: Mayor Tom Ed McHugh
Baton Rouge, La.

Mayor Bobby Simpson
Baker, La

[SEAL] STATE OF LOUISIANA [LOGO]
DEPARTMENT OF TRANSPORTATION AND DEVELOPMENT

[Names And Addresses Omitted In Printing]

May 24, 1993

The Honorable Bobby Simpson
Mayor of Baker
Post Office Box 707
Baker, Louisiana 70704

Dear Mayor Simpson:

This is a follow-up to your recent letter concerning the installation of a traffic signal on LA 19 at its intersection with Coolidge Road and lowering of the speed limit from 45 miles per hour to 35 miles per hour on LA 19.

My staff has investigated this matter, and a copy of the report is enclosed for your information. A recent study at the intersection of LA 19 and Coolidge Road failed to reveal sufficient justification for the installation of a traffic signal.

In response to an agreement with the previous mayor of Baker, Mr. N. E. Heine, a uniform 45 mile-per-hour speed zone was established for this section of LA 19. Current speed data on LA 19 revealed that the 45 mile-per-hour speed zone is appropriate for prevailing speeds. If the speed limit was reduced to 35 miles-per-hour, 81 percent of the vehicles would be exceeding the speed limit. Additionally, 34 percent of the vehicles surveyed were exceeding the existing 45 mile-per-hour speed limit, which indicates that stricter speed enforcement should be considered.

If I can be of further assistance, please contact me or Mr. Coan Bueche, (504) 358-9131.

Sincerely,

/s/ Jude W. P. Patin
Jude W. P. Patin
Secretary

Enclosure

[cc: Omitted In Printing]

[SEAL] STATE OF LOUISIANA [LOGO]
DEPARTMENT OF TRANSPORTATION AND DEVELOPMENT

[Names And Address Omitted In Printing]

April 23, 1993

Traffic Signal
La 19 @ Coolidge St.
Control 250 Section 1
City of Baker
East Baton Rouge Parish
District 61

This report is submitted in response to a request from Mr. Bobby Simpson, Mayor of the Town of Baker, P. O. Box 707, Baker, Louisiana 70704, for the installation of a traffic signal at the captioned location.

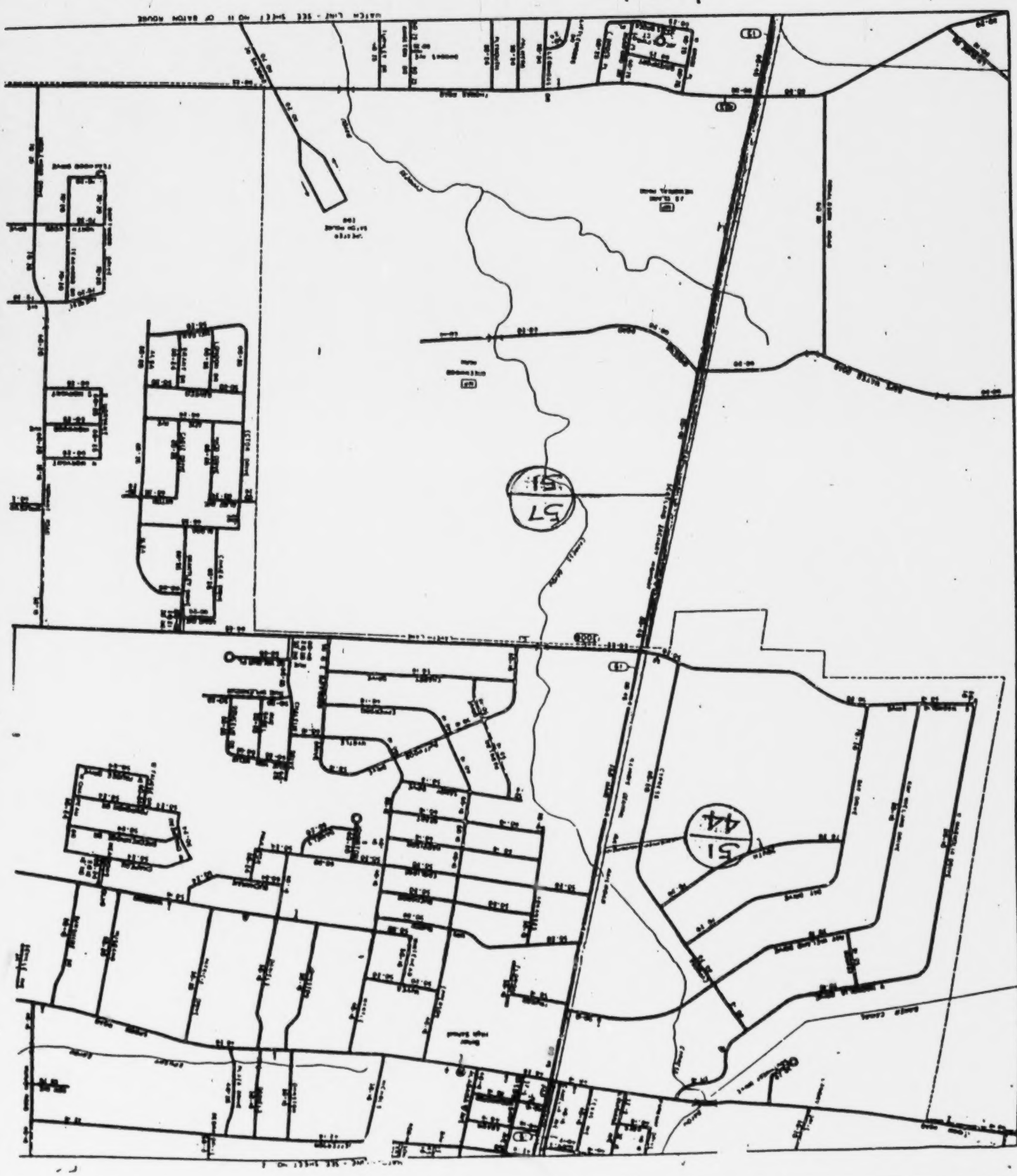
The location was studied on November 30, 1992 and the request for a traffic signal installation was denied at that time. Conditions at the intersection have not changed

since the previous study and accordingly, it is recommended that the request again be denied. A copy of the previous report is attached for your information.

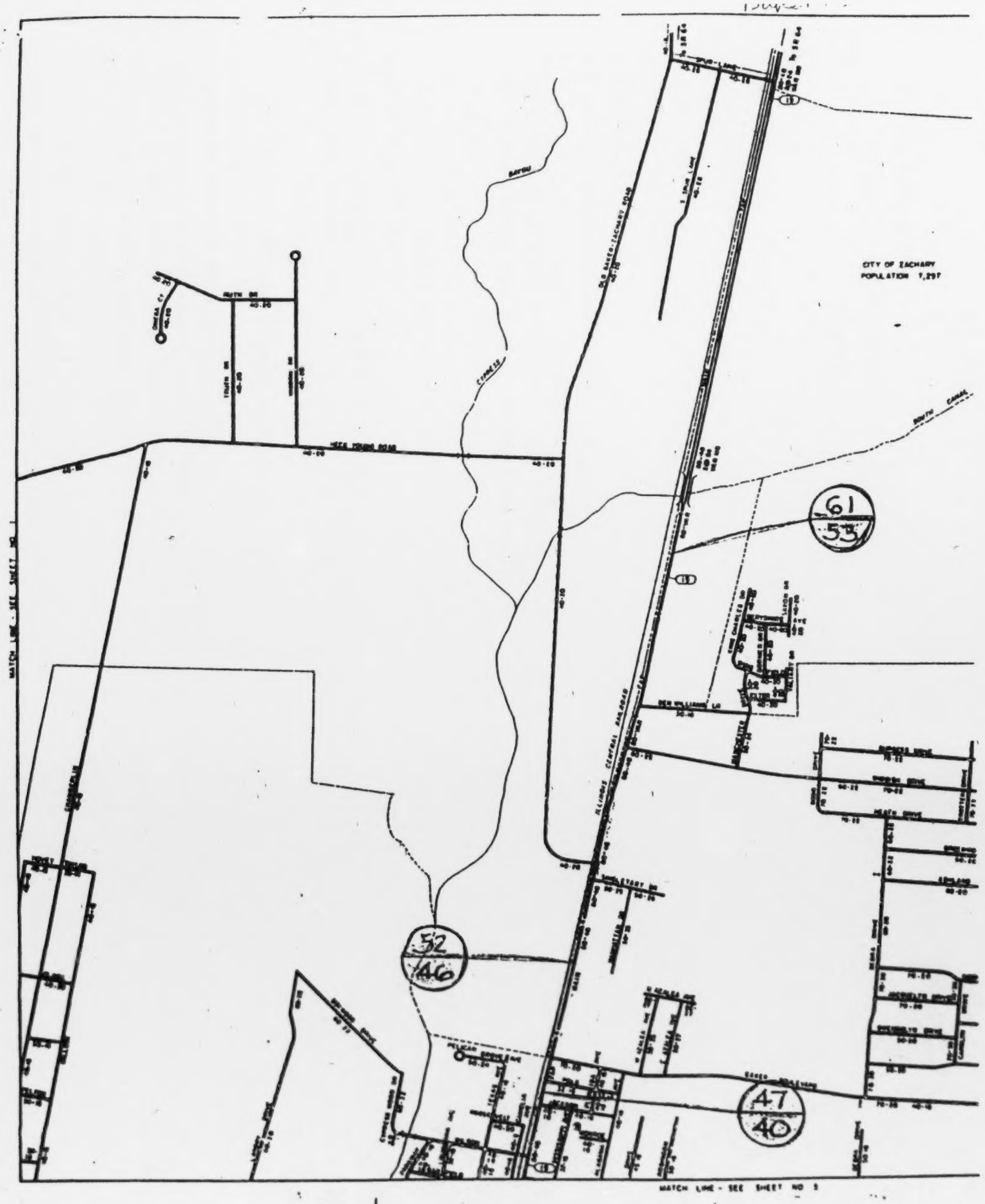
TJB:ga

/s/ Thomas G. Buckley
4/23/93

BEST AVAILABLE COPY



BEST AVAILABLE COPY



Legend

85 / 50 percentile

35 MPH

45 MPH

50 MPH

[SEAL] *City of Baker*

"Great American Hometown"

OFFICE OF THE MAYOR

Bobby R. Simpson

May 26, 1993

Mike Nuhlman
CRPC
P.O. Box 3355
Baton Rouge, La. 70821

Dear Mike:

I have enclosed a copy of a letter I received from Jude Patin denying my request to lower the speed limit from 45 to 35 mph on Hwy. 19 in Baker. In a supporting letter Mr. Thomas Buckley on 4/13/93 recommends a fifth lane be added to Hwy 19 as a safety project. I would like for you to check into this and see what is needed to move this project forward. We have a major business moving onto Hwy. 19 that will greatly influence traffic flow.

I also would like to know if I am responsible for requesting right of way and construction money for project 742-00-D "Safety Improvements" on Groom Road.

There are two additional projects that the City of Baker is considering, and I would like to know if they could be added to the STP enhancement program also. One is a walking path that is located on City Hall property of about ½ mile and the other would be the creation of a bicycle path between Greenwood Park, the City of Baker and the City of Zachary.

I would appreciate any information and assistance you can give me in getting these projects started.

Sincerely,

/s/ Bobby
Bobby Simpson
Mayor

BS/cb

[cc: Omitted In Printing]

[SEAL] SENATE
STATE OF LOUISIANA

[Names And Address Omitted In Printing]

June 8, 1994

General Jude Patin
Secretary, Department of Transportation & Development
Post Office Box 94245
Baton Rouge, Louisiana 70804

Dear General Patin:

Please refer to previous correspondence from Mayor Bobby Simpson from the City of Baker and myself, concerning the installation of a traffic signal at the corner of Hwy. 19 and Coolidge Street and a speed limit reduction from 45 mph to 35 mpg [sic] on Highway 19 in the city limits of Baker.

The previous studies conducted by your office did not reveal a need for a traffic light at this location. I am requesting your office conduct another survey of this area for the possibility of placing a traffic signal at this dangerous location.

Thanking you in advance for your consideration and assistance.

Sincerely,

/s/ Mike Cross
Michael A. Cross

MAC:slw

[cc: Omitted In Printing]

[SEAL] *City of Baker*

"Great American Hometown"

OFFICE OF THE MAYOR

Bobby R. Simpson

March 31, 1993

Mr. Jude Patin, Secretary
Department of Transporation and
Development
Post Office Box 94245
Baton Rouge, La. 70804-9245

Dear Mr. Partin: [sic]

As Mayor and Police Chief of the City of Baker it is our duty to be concerned with the health, safety and welfare of the Citizens of Baker. Our concern to you is the tremendous traffic problems we are having on state Highway 19, which runs north-south through our city.

In 1987 the speed limit on this major 4 lane thoroughfare, which passes through our city's main business district, was 35 mph. It was changed to 45 mph. We have written several times requesting the speed limit be lowered. We have written as recently as October 1992, requesting a light be installed on the corner of Coolidge and Highway 19, to date our answers have always been no.

Since our letter of October 1992, according to police records, there have been 94 traffic accidents on Highway 19 within our city limits. On Saturday, March 27th, a man was killed at the corner of Highway 19 and Lavey Lane, and on Monday March 29th a four car pileup occurred on the north end of our city. It was amazing that someone else was not killed.

We respectfully request that the speed limit on Highway 19 be lowered from 45 mph to 35 mph. Please call our office should be wish to discuss this matter with us.

Sincerely,

/s/ Bobby Simpson
Bobby Simpson
Mayor

/s/ Sid Gautreaux III
Sid Gautreaux
Chief of Police

BS/cb

[LOGO] City of Baker
Police Department

[Names And Address Omitted In Printing]

October 13, 1992

MAYOR BOBBY SIMPSON
CITY OF BAKER
BAKER LA 70714

Dear Mayor Simpson:

In response to your request for information regarding traffic accidents at LA 19 and Coolidge Street, and Plank Road and East Myrtle, our records indicate the following:

> In the past eighteen months, beginning in April, 1991, we recorded nine accidents on Plank Road at East Myrtle, none of which involved U-turns.
>
> In the past three years and 4 months, beginning in June, 1989, our records indicate that 23 accidents have occurred at LA 19 and Coolidge Street. From June 1989 until November 18, 1990 when Coxcraft closed, 12 of the 23 accidents occurred.

I hope this information will be helpful. If I can be of further assistance, please call.

Sincerely,

/s/ Sid J. Gautreaux III
Sid J. Gautreaux
Chief of Police

[SEAL]

SENATE
STATE OF LOUISIANA

[Names And Address Omitted In Printing]

October 22, 1992

Mr. Jude Patin, Secretary
Department of Transportation and Development
Post Office Box 94245
Baton Rouge, LA 70804-9245

Dear Mr. Patin:

Enclosed please find a copy of correspondence I recently received from Bobby Simpson, Mayor of Baker, relative to the intersection of La. Highway 19 and Coolidge Street in the city of Baker.

As detailed in the enclosed documents, 23 accidents have occurred at the aforementioned intersection. Therefore, I would appreciate you taking the time to conduct a study of the feasibility of placing a traffic light at this intersection and apprising me of your findings at your earliest convenience.

Thanking you in advance your consideration and assistance, I am

Sincerely,

/s/ Michael Cross
Michael A. Cross
MAC/LCM

Enclosures

[cc: Omitted In Printing]

[Handwritten, Undated Letter]

[LOGO] **piggly wiggly**

MAYOR SIMPSON

JHJ INC. IS OPENING A PIGGLY WIGGLY FOOD STORE AT THE CORNER OF COOLIDGE ST. AND HWY 19. WE WOULD GREATLY APPRECIATE YOUR HELP IN OBTAINING A TRAFFIC CONTROL LIGHT AT THIS CORNER.

OUR STORES DO ON AN AVERAGE OF 15-20 THOUSAND CUSTOMERS A WEEK. A RED LIGHT WILL BE NEEDED TO ELIMINATE ACCIDENTS WHILE THIS INCREASE IN TRAFFIC WILL BE ENTERING AND EXITING OUR PARKING LOT WICH [sic] IS AJACENT [sic] TO COOLIDGE ST. DURING THE HOURS OF 10 AM TO 1 PM AND 3 PM TO 8 PM 60% OF OUR DAILY CUSTOMER COUNT WILL BE SHOPPING AT THESE TIMES. THIS WILL GREATLY INCREASE TRAFFIC PRESSURE DURING NOON AND EVENING RUSHS. IT IS NEXT TO IMPOSSIBLE TO EXIT LEFT DURING THESE TIMES EVEN NOW.

THANK YOU
Roy Dodez

[A single letter size plain white sheet of paper containing accident counts for Highway 19; the source of this document is unknown; if the source may be traced back to DOTD's records and the document refers to anything protected by 23 USC section 409 and all jurisprudence interpreting that statute then in that event, DOTD objects to production of this document.]

ACCIDENTS – LA 19

OCT '92:	10
NOV '92:	11
DEC '92:	25
JAN '93:	14
FEB '93:	20
MAR '93:	14
	94

[Handwritten Notation On Letter – Speedlimit Hi. 19]

[SEAL] **STATE OF LOUISIANA** [LOGO]
DEPARTMENT OF TRANSPORTATION AND DEVELOPMENT

[Names And Address Omitted In Printing]

[Post-It Fax Note – To Mayor Simpson From Huey]

March 24, 2000

Mr. Huey P. Dugas
Capital Region Planning Commission
Post Office Box 3355
Baton Rouge, Louisiana 70821-3355

Re: LA 19 Improvements in Baker

Dear Mr. Dugas:

Reference is made to your recent letter requesting the Department of Transportation and Development (DOTD), to consider the Baton Rouge Department of Public Works contracting with Mr. Alan Krouse for Engineering services on the LA 19 Improvements. The estimated cost of the Engineering services is $50,000. It was further stated that should these cost [sic] exceed the estimated $50,000, Baton Rouge Department of Public Works will assume the responsibility. In this regard, since this project is identified as a safety project and there is some urgency to proceed, I concur with your request. However, I stress that for the Department to accept these plans and specifications, the design and details must meet Department standards.

Should you have any questions or if I can be of further assistance, please feel free to call me or Mr. Robert

E. Boagni, Project Development Division Chief, at (225) 379-1304.

Sincerely,

/s/ Kam
Kam K. Movassaghi, Ph.D., P.E.
Secretary